

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 June 21, 2013

11 4:09 p.m.

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13  
14 REGULAR SESSION

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18 SENATOR DIANE J. SAVINO, Acting President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT SAVINO: The  
3 Senate will please come to order.

4 I ask everyone present to please  
5 rise with me and say the Pledge of Allegiance.

6 (Whereupon, the assemblage recited  
7 the Pledge of Allegiance to the Flag.)

8 ACTING PRESIDENT SAVINO: In the  
9 absence of clergy, I ask everyone present to  
10 please bow your head in a moment of silence.

11 (Whereupon, the assemblage  
12 respected a moment of silence.)

13 ACTING PRESIDENT SAVINO: The  
14 reading of the Journal.

15 THE SECRETARY: In Senate,  
16 Thursday, June 20th, the Senate met pursuant to  
17 adjournment. The Journal of Wednesday,  
18 June 19th, was read and approved. On motion,  
19 Senate adjourned.

20 ACTING PRESIDENT SAVINO: Without  
21 objection, the Journal stands approved as read.

22 Presentation of petitions.

23 Messages from the Assembly.

24 Messages from the Governor.

25 Reports of standing committees.

1 Reports of select committees.

2 Communications and reports from  
3 state officers.

4 Motions and resolutions.

5 Senator Libous.

6 SENATOR LIBOUS: Madam President,  
7 before we get started today, I just want to give  
8 everybody a little idea of what's to come. And  
9 I know, I apologize, it's been a long day for  
10 everybody, but it's the last day of session;  
11 just the mechanics of everything is always like  
12 this.

13 We're going to do the calendar in  
14 front of us. Then we're going to call Finance.  
15 And then Finance will be followed by Rules. And  
16 then we'll come and we'll take up those bills.  
17 Okay? Just to give everybody a general idea of  
18 what's going on. And I believe that's pretty  
19 much the schedule.

20 At this time could we do the  
21 noncontroversial reading of the active list for  
22 Friday, June 21st.

23 ACTING PRESIDENT SAVINO: The  
24 Secretary will read.

25 THE SECRETARY: On page 15,

1 Senator Ranzenhofer moves to discharge, from the  
2 Committee on Finance, Assembly Bill Number 5443  
3 and substitute it for the identical Senate Bill  
4 Number 3551, Third Reading Calendar 557.

5 ACTING PRESIDENT SAVINO:  
6 Substitution ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 557, by Member of the Assembly Brennan, Assembly  
10 Print Number 5443, an act to amend the Public  
11 Authorities Law.

12 ACTING PRESIDENT SAVINO: Read the  
13 last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect immediately.

16 ACTING PRESIDENT SAVINO: Call the  
17 roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT SAVINO: Announce  
20 the results.

21 THE SECRETARY: In relation to  
22 Calendar Number 557, those recorded in the  
23 negative are Senators Avella, Hoylman, Krueger,  
24 Perkins, Rivera, Sanders and Squadron.

25 Ayes, 56. Nays, 7.

1                   ACTING PRESIDENT SAVINO:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   1025, by Senator Klein, Senate Print 5052A, an  
5   act to grant an exemption.

6                   ACTING PRESIDENT SAVINO:    Read the  
7   last section.

8                   THE SECRETARY:    Section 2.   This  
9   act shall take effect immediately.

10                  ACTING PRESIDENT SAVINO:    Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT SAVINO:    Announce  
14   the results.

15                  THE SECRETARY:    In relation to  
16   Calendar Number 1025, those recorded in the  
17   negative are Senators Avella, Espaillat,  
18   Gianaris, Gipson, Hoylman, Krueger, O'Brien,  
19   Perkins, Rivera, Sanders, Serrano, Squadron,  
20   Stavisky and Tkaczyk.

21                  Ayes, 49.   Nays, 14.

22                  ACTING PRESIDENT SAVINO:    The bill  
23   is passed.

24                  THE SECRETARY:    Calendar Number  
25   1190, by Senator DeFrancisco, Senate Print 3852A,

1 an act to amend the Civil Practice Law and Rules.

2 ACTING PRESIDENT SAVINO: Read the  
3 last section.

4 THE SECRETARY: Section 3. This  
5 act shall take effect on the 30th day.

6 ACTING PRESIDENT SAVINO: Call the  
7 roll.

8 (The Secretary called the roll.)

9 ACTING PRESIDENT SAVINO: Announce  
10 the results.

11 THE SECRETARY: In relation to  
12 Calendar Number 1190, those recorded in the  
13 negative are Senators Avella, Gianaris, Gipson,  
14 Krueger, O'Brien, Rivera, Sanders and Serrano.  
15 Also Senator Hassell-Thompson.

16 Ayes, 54. Nays, 9.

17 ACTING PRESIDENT SAVINO: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 1273, by Senator Golden, Senate Print 4174A, an  
21 act to amend the Education Law.

22 SENATOR GIANARIS: Lay it aside.

23 ACTING PRESIDENT SAVINO: The bill  
24 is laid aside.

25 THE SECRETARY: Calendar Number

1 1569, by Senator Savino, Senate Print 5867, an  
2 act to amend the Labor Law.

3 ACTING PRESIDENT SAVINO: Read the  
4 last section.

5 THE SECRETARY: Section 5. This  
6 act shall take effect on the 60th day.

7 ACTING PRESIDENT SAVINO: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT SAVINO: Announce  
11 the results.

12 THE SECRETARY: Ayes, 61. Nays,  
13 2. Senators Marchione and O'Mara recorded in the  
14 negative.

15 ACTING PRESIDENT SAVINO: The bill  
16 is passed.

17 Senator Libous, that completes the  
18 reading of the noncontroversial active list.

19 SENATOR LIBOUS: Thank you, Madam  
20 President.

21 Could we do the reading of the  
22 controversial calendar, please.

23 ACTING PRESIDENT SAVINO: The  
24 Secretary will proceed with the reading of the  
25 controversial calendar.

1                   Ring the bells. The Secretary will  
2 read.

3                   THE SECRETARY: Calendar Number  
4 1273, by Senator Golden, Senate Print 4174A, an  
5 act to amend the Education Law.

6                   ACTING PRESIDENT SAVINO: Senator  
7 Klein, why do you rise?

8                   SENATOR KLEIN: Madam President, I  
9 believe there's an amendment at the desk.

10                  ACTING PRESIDENT SAVINO: Senator  
11 Klein, there is an amendment at the desk.

12                  SENATOR KLEIN: Madam President, I  
13 ask that the amendment be read and have an  
14 opportunity to speak on the amendment.

15                  ACTING PRESIDENT SAVINO: The  
16 Secretary will read the amendment, and Senator  
17 Klein will be heard.

18                  THE SECRETARY: By Senator Klein,  
19 amend Senate Bill 4174A as follows: Strike out  
20 all after "An Act" and insert "to amend the  
21 Public Health Law, in relation to access to  
22 reproductive services.

23                  "The People of the State of  
24 New York, represented in Senate and Assembly, do  
25 enact as follows:



1                   "Section 1. The Public Health Law  
2 is amended by adding a new section 4166 to read  
3 as follows:

4                   "Section 4166. Access to  
5 reproductive services. The state shall not deny  
6 a woman's right to obtain an abortion as  
7 established by the United States Supreme Court in  
8 the decision Roe v. Wade, 410 U.S. 113(1973).  
9 Notwithstanding any law to the contrary, New York  
10 protects a woman's right to terminate a pregnancy  
11 within 24 weeks from commencement of her  
12 pregnancy, or when necessary to protect a woman's  
13 life or health as determined by a licensed  
14 physician.

15                   "Nothing in this section shall be  
16 construed to conflict with any applicable state  
17 or federal law or regulation permitting a  
18 healthcare provider to refrain from providing  
19 abortions due to the provider's religious or  
20 moral beliefs.

21                   "Nothing in this section shall  
22 conflict with the partial birth abortion ban  
23 codified under 18 USC Section 1531.

24                   "No prosecution or proceeding shall  
25 be brought or maintained under the Penal Law or

1 otherwise for acts that are authorized or  
2 permitted pursuant to this section or by this  
3 chapter and the Education Law.

4 "Subdivisions 2 and 3 of  
5 Section 125.05, subdivision 2 of Section 125.15,  
6 subdivision 3 of Section 125.20 and  
7 Sections 125.40, 125.45, 125.50, 125.55 and  
8 125.60 of the Penal Law are hereby repealed to  
9 the extent that they are inconsistent with this  
10 section.

11 "Section 2. This act shall take  
12 effect on the 30th day after it shall have become  
13 a law."

14 ACTING PRESIDENT SAVINO: Senator  
15 Klein on the amendment.

16 SENATOR KLEIN: Thank you, Madam  
17 President.

18 I stand here today to ask my  
19 colleagues on both sides of the aisle to support  
20 a very simple amendment but one that is very  
21 important to the lives of women all over New York  
22 State, an amendment which would allow us in  
23 New York to uphold the Supreme Court decision of  
24 Roe v. Wade.

25 I've had the privilege in my life of

1 growing up in a neighborhood in the Bronx, the  
2 Morris Park section of the Bronx, in a two-family  
3 house with my parents and my grandparents. I was  
4 exposed and raised by two very strong women, my  
5 mom and my grandmother. My grandmother, a  
6 Holocaust survivor, came here with absolutely  
7 nothing, lost her entire family, and always made  
8 sure that she provided a very positive family  
9 life for all of us.

10 Her strength, her grace, her  
11 kindness and fortitude was the core of our  
12 family. She taught me very important lessons in  
13 my life: to respect women, to recognize that  
14 women play an integral role in all of our lives,  
15 but most of all that we have to make sure that  
16 that never changes, that those rights remain  
17 inalienable rights, something that women should  
18 never take for granted, and certainly we should  
19 do everything to uphold those rights.

20 My grandmother lived in a time when  
21 there wasn't adequate reproductive health and  
22 medicines. Unfortunately, before she had her  
23 first child, she had several stillborns. There  
24 wasn't the proper prenatal care. There weren't  
25 things available that are available to women

1 now. But at the same time, we always have to  
2 remember that there were those great choices that  
3 women were able to have, and we have to make sure  
4 we continue those.

5 I think we always believed here in  
6 New York those rights that women had were never  
7 going to be taken away. They were never going to  
8 be threatened. Since the Roe v. Wade decision of  
9 1973, a women has a right to have a safe, legal  
10 abortion. And we want to make sure those rights  
11 always remain true.

12 We also always believe that those  
13 things are something that New Yorkers sometimes  
14 should take for granted. But they shouldn't.  
15 Because while other states around the  
16 United States are looking for ways to roll back  
17 Roe v. Wade, right here in New York, up until  
18 Tuesday, we thought everything was okay. Because  
19 on Tuesday there was a decision made by Congress  
20 to pass legislation -- so far, luckily, only what  
21 we consider a one-house bill -- which really put  
22 under siege the decision of Roe v. Wade. This  
23 measure was a sneaky and targeted attempt by some  
24 who mistakenly think that they can chip away at  
25 the established law of our land and they can

1       rewrite history and ignore our Constitution.

2                       In light of has happened in  
3       Washington, as the Senate's only pro-choice  
4       conference, we must act now to protect a woman's  
5       right to choose right here in New York. Make no  
6       mistake, this is no longer about a political  
7       litmus test. What happened Tuesday night in the  
8       House of Representatives is about protecting the  
9       fundamental and inherent rights of women across  
10      New York State.

11                     And while we now have agreements on  
12      all the other issues facing us today -- tax-free  
13      zones, casinos, those are things important for  
14      New Yorkers -- we can now not allow another day  
15      to pass without ensuring the millions of women in  
16      that state have their rights protected, defended,  
17      and preserved.

18                     It's a woman's right to have  
19      {control} over her own health and reproductive  
20      health. It is her right to choose. And no one,  
21      no one has the right to take away that right.

22                     My colleagues on both sides of the  
23      aisle -- Democrats, Republicans -- I urge you all  
24      to vote yes on this very important amendment,  
25      Madam Speaker.

1                   ACTING PRESIDENT SAVINO:    Senator  
2   Diaz on the amendment.

3                   SENATOR DIAZ:    Thank you, Madam  
4   President.

5                   It is well known, Senator Klein,  
6   that the abortion rate for the nation is  
7   19 percent.   Meaning, ladies and gentlemen, that  
8   the nation -- in America we have, for every 100  
9   pregnancies, we have 19 abortions.   But here in  
10   New York State, Senator Klein and ladies and  
11   gentlemen, here in New York State they call  
12   New York the capital of abortions.   New York  
13   State doubles the abortion rate of the nation.

14                   The City of New York, where I come  
15   from, where black and Hispanic reside mostly, has  
16   one of the highest rates in the nation.   New York  
17   City's abortion rate doubles the abortion rate of  
18   the nation.   Abortion clinics are being opened  
19   all around, abortion clinics are being opened all  
20   around black and Hispanic neighborhoods.   They're  
21   making money out of killing our babies.   Senator  
22   Klein, they're making money out of stopping our  
23   minority communities from growing.

24                   Since Roe versus Wade became law in  
25   1973, close to 60 million babies, 60 million

1 lives have been aborted and thrown into the  
2 garbage can. More than 60 percent -- and I  
3 repeat, more than 60 percent of all pregnancies  
4 with an African and Hispanic woman, more than  
5 60 percent of all pregnancies within  
6 African-American and Hispanic women end in  
7 abortion.

8 Ladies and gentlemen, they are  
9 killing our babies. Black and Hispanic  
10 legislators, wake up. They're stopping the  
11 growth of our community. They're making money  
12 from our people, from our women. They're opening  
13 those clinics killing babies in our communities.

14 You're going to come here and tell  
15 me today, Oh, women have right to choose their  
16 bodies? They're killing our babies. They're  
17 killing our black and Hispanic -- because they  
18 don't want our black and Hispanic to grow and to  
19 be number one and take over the nation and take  
20 over the cities. So they want to stop us from  
21 doing that. They look at following Egypt.

22 This legislation is not only a  
23 menace, a menace and a threat to our minority  
24 communities, it is also a danger for women's  
25 life. It will allow nonphysicians, nonphysicians

1 to perform abortions. You understand what it's  
2 saying? Nonphysicians or anybody could come and  
3 do an abortion now. The current law only allows  
4 licensed physicians, meanwhile meaning only  
5 doctors, to perform abortion. This legislation  
6 will allow midwives, pharmacists, nurses,  
7 therapists, counselors, psychologists -- in other  
8 words, any health provider will be allowed to  
9 perform abortion.

10 You tell me if we are protecting  
11 women or we are risking women's life. So whoever  
12 stand here, Oh, we're protecting women and we  
13 have to respect women, we don't respect the  
14 woman. We're putting the woman's life in  
15 danger. And the Governor knows that.

16 Instead of decreasing the high rate  
17 of abortions, this legislation will increase  
18 abortion on demand by allowing abortion for any  
19 health reason. For any health reason. Abortion  
20 for any health reason.

21 Do you know how the courts describe  
22 health reason? By demand they will call a reason  
23 of age. A reason of age, that would be health  
24 reason. So you want abortion because reason of  
25 age.



1           Economics. That's -- the court says  
2     that health reason would be economics. Social  
3     and emotional factors. That becomes, that will  
4     be a health reason. Meaning not only to -- not  
5     only now the law says that abortion only could be  
6     done to protect women's life, but now with this  
7     piece of legislation, now we're going to add and  
8     do away with that and we put any health reason.  
9     Economic, age, emotional, whatever. So let's  
10    bring more abortion.

11           We all know that the New York State  
12    law prohibits abortion after 24 weeks except to  
13    save the mother's life. By allowing abortion not  
14    only to save the mother's life but also for any  
15    health reason such as social reason, economic  
16    reason, emotional factor, age factor, and others,  
17    this will allow third-trimester abortion to  
18    become commonplace in New York.

19           I will call your attention to why we  
20    what we call late-term abortion and partial birth  
21    abortion. This legislation will open the door  
22    for late-term abortion and for partial birth  
23    abortion.

24           Partial birth abortion, or D&X, is  
25    one method -- and I want you to listen carefully,

1 women and ladies and gentlemen. D&X is one  
2 method of abortion used in the second and third  
3 trimester of pregnancy in which a baby is  
4 partially delivered before being killed with  
5 surgical scissors through the base of the skull.

6           The most common and prevailing  
7 method of late-term abortion is known as D&E.  
8 This method is equally brutal and inhumane as  
9 D&X. In the D&E method, a baby is killed and  
10 dismembered, killed and dismembered, and  
11 vacuumed, all while half of it is still in the  
12 mother's womb. And this is what we want to do  
13 now.

14           This legislation does nothing about  
15 protecting those hospital organizations, doctors,  
16 and those who oppose abortion and oppose  
17 counseling for abortion. This legislation does  
18 nothing to protect the life of those babies who  
19 are still alive after a botched abortion. Who  
20 will protect those babies that they're still  
21 alive, after the abortion they're still alive?  
22 And this legislation does nothing to protect  
23 those lives.

24           This legislation does nothing to  
25 punish abortionists such as Kermit Gosnell from

1 breaking the neck of babies that are still alive  
2 after an abortion.

3 This legislation does nothing  
4 protect the life of the unborn and to criminalize  
5 those persons who physically attack a pregnant  
6 woman, causing the death of her unborn child.

7 So why don't we do that? Why don't  
8 we protect the unborn child and put penalties to  
9 those persons that abuse a woman, pregnant woman,  
10 causing the death of the unborn child?

11 Finally, Mr. President -- Madam  
12 President, I'm sorry, and ladies and gentlemen, I  
13 will conclude by stating the reason why I'm  
14 opposing this legislation and ask all of you to  
15 do the same. I'm a Democrat. I am a Democrat.  
16 And I think I'm a good Democrat. I fight here  
17 every day.

18 I fight against the Governor cutting  
19 services to our community. I'm the only one, the  
20 only Democrat that fights against the Governor by  
21 cutting services to our community. I'm the only  
22 Democrat fighting the Governor for abusing and  
23 cutting -- as a matter of fact, I'm the only  
24 Democrat that said I don't want to vote for the  
25 budget because the Governor doesn't want to do

1 the DREAM Act.

2 Yesterday my colleague here, Adriano  
3 Espaillat, was talking about that out of 200-plus  
4 nominations, no Hispanics. Six. I don't know  
5 what my colleague Adriano Espaillat was saying to  
6 me. I understand, number one, it's either the  
7 Governor is discriminating about -- against the  
8 Hispanics or the Governor is committing  
9 racially -- acts against the Hispanics or the  
10 Governor is ignoring our community. Then we talk  
11 about let's do things.

12 This legislation, it moves New York  
13 State in the opposite direction of safe, legal  
14 and rare. That's what we have to do. Abortions  
15 should be safe -- not that I'm in favor of  
16 abortion, but if we we're going to have abortion,  
17 let it be safe. Let it be legal and let it be  
18 rare. I won't vote anyway for it, but if you're  
19 going to have it, do it safe. Do it legal. Try  
20 to be rare. Not bringing all kind of  
21 abortionists from all over the world to open  
22 clinics in our communities. Black and Hispanic  
23 communities only.

24 This legislation will undermine  
25 maternity and prenatal care programs which could

1 be ruled, could be ruled discriminatory for  
2 favoring childbirth over abortion. It could be  
3 used to mandate abortion coverage on all  
4 insurance plans. It could compel Catholic  
5 Charities and Catholic schools to counsel and  
6 refer for abortions. It could compel all  
7 hospitals, even Catholic hospitals, to allow  
8 abortion on premises.

9           This legislation will lift the  
10 current age restriction on the purchase of the  
11 so-called morning-after pill at neighborhood  
12 drugstores, allowing girls as young as 11 and 12  
13 years to get drugs without permission.

14           By inserting a health reason for  
15 abortion, it opens third-trimester abortion for  
16 any reason at all and will invite late-term  
17 abortionists from all over the country into  
18 New York State to set up shop to abort viable and  
19 fully formed babies.

20           By repealing the requirement in  
21 current law that only licensed physicians might  
22 perform abortions and allowing any health  
23 practitioners, it endangers women's life. Women,  
24 this will not help you. This will kill more  
25 women. It's wrong. Killing too many babies.

1           Ladies and gentlemen, I ask all of  
2   you, I ask all of you, please join me. I'm a  
3   Democrat. Join me. Don't vote for this. Don't  
4   vote for this. Even -- if the Democrats want to  
5   vote for it, let them vote for it. But you as  
6   Republicans, join me. I ask all of you, stop the  
7   killing. Too much killing. Join me. Let's vote  
8   against this thing.

9           Thank you, Madam President.

10          SENATOR LIBOUS:    Madam President,  
11   point of order.

12          ACTING PRESIDENT SAVINO:    Senator  
13   Libous.

14          SENATOR LIBOUS:    I believe that the  
15   amendment is not germane to the bill before the  
16   house.

17          ACTING PRESIDENT SAVINO:    Senator  
18   Libous, I have actually reviewed the amendment  
19   and my ruling is that it is germane.

20          SENATOR LIBOUS:    Then, Madam  
21   President, at this time I appeal the ruling of  
22   the chair.

23          ACTING PRESIDENT SAVINO:    All those  
24   in favor of appealing the ruling of the chair  
25   please signify by saying aye.

1 (Response of "Aye.")

2 SENATOR LIBOUS: I ask for a show  
3 of hands, please.

4 SENATOR GIANARIS: Show of hands,  
5 please.

6 (Laughter.)

7 ACTING PRESIDENT SAVINO: It's a  
8 unanimous request.

9 SENATOR LIBOUS: Madam President, I  
10 don't understand the question. I want to hear  
11 the question again, please.

12 ACTING PRESIDENT SAVINO: Senator  
13 Libous, all those in favor of appealing the  
14 ruling of the chair, please signify --

15 SENATOR LIBOUS: Overruling.

16 ACTING PRESIDENT SAVINO: --  
17 overruling, overruling the ruling of the chair,  
18 please raise your hand to signify.

19 Announce the results.

20 THE SECRETARY: Ayes, 32.

21 ACTING PRESIDENT SAVINO: The  
22 ruling of the chair is overruled. The amendment  
23 is ruled not germane.

24 The bill-in-chief is before the  
25 house. The Secretary will read the last

1 question.

2 SENATOR KRUEGER: Explanation.

3 ACTING PRESIDENT SAVINO: An  
4 explanation has been requested of Senator Golden.

5 SENATOR GOLDEN: Thank you, Madam  
6 President.

7 In our communities across the state,  
8 there are locations of doctors, hospitals, and  
9 different practitioners, x-ray and MRI locations,  
10 that close and go out of business. And they  
11 don't leave or get the medical records that they  
12 have of many of the patients that they see, and  
13 they go into limbo. Nobody can find these  
14 medical records. And these medical records are  
15 important for the many women and men and children  
16 and families that use these facilities.

17 And this bill would set into law  
18 that those that would move or close or go out of  
19 business would, at 60 days prior to that, notify  
20 the people of the records that they have --

21 ACTING PRESIDENT SAVINO: Senator  
22 Golden, could you hold on.

23 Could we have some order in the  
24 chamber so Senator Golden could be heard?

25 SENATOR GOLDEN: -- and try to get



1 those records back to those people.

2 And that would work with the  
3 Commissioner of Health to make sure that there's  
4 a location where these records can be stored so  
5 that the people can get and access those records.

6 ACTING PRESIDENT SAVINO: Read the  
7 last section.

8 Senator Krueger, why do you rise?

9 SENATOR KRUEGER: I'd like to speak  
10 on the bill, Madam President.

11 ACTING PRESIDENT SAVINO: Senator  
12 Krueger on the bill.

13 SENATOR KRUEGER: This is a bill  
14 about health issues and accountability and the  
15 ability of doctors to provide adequate care to  
16 their patients.

17 And in fact the amendment that was  
18 before this house was about doctors and patients  
19 and the ability to provide quality care. As one  
20 of 10 million New York women, I know that what is  
21 critical is that women get to make their own  
22 health decisions with their doctors, their  
23 private healthcare decisions. They should not be  
24 publicly exposed. The importance of having  
25 records and private records and the HIPAA law,

1 much of what is discussed with this bill, is  
2 exactly why we need to make sure New York State's  
3 laws on reproductive health are modernized, which  
4 is all that the amendment that failed would have  
5 done.

6 I believe, with all due respect,  
7 that the issue of safe and legal is exactly what  
8 we're discussing when it comes to this bill and  
9 when it comes to the amendment that came to the  
10 floor: Ensuring that doctors and women have the  
11 right to make healthcare decisions that are safe  
12 and are legal under our Constitution and federal  
13 law and should be private.

14 And in fact my colleague Senator  
15 Diaz has many arguments against, but I think his  
16 arguments are why we shouldn't be making those  
17 decisions for women and doctors. With all due  
18 respect, that's the last thing I would want to  
19 hear if I was facing a life or health decision.

20 I would not want to be a poster  
21 child of screaming on the floor of the Senate, I  
22 would want to have the ability under the law of  
23 this state to go to my physician, to get the best  
24 advice possible, and to make the right decision  
25 for my health and safety. I would want to make

1 the right decisions in the context of my family.  
2 I would want to make sure, on behalf of all  
3 10 million women in this state, that I was not  
4 forced to go to back-alley nonphysicians because  
5 the laws didn't protect me.

6 I would want to make sure that  
7 hospitals do know that they are allowed for  
8 religious reasons not to participate in certain  
9 healthcare activity, but I would want to make  
10 sure that every woman in the state did have  
11 providers to go to to make the right private  
12 healthcare decisions.

13 Our laws are antiquated. This bill  
14 today is one example of needing to update and  
15 modernize our laws and recognize healthcare  
16 changes, the law needs to change. I can't think  
17 of a more important example but of updating our  
18 antiquated reproductive health laws, which are  
19 40 years old.

20 It was never a partisan issue. This  
21 was never about party. This was about the rights  
22 of people to be guaranteed equal treatment under  
23 our law, equal rights to healthcare and privacy,  
24 the privacy to make decisions in a rational  
25 healthcare environment, not people screaming at

1 each other on the floor of the Senate, Madam  
2 President.

3 I hope that we will go back to  
4 finally passing the reproductive health section  
5 that was brought up earlier. But for today, I am  
6 prepared to vote for this bill of Senator Golden  
7 highlighting how important it is for us to go  
8 back over and over again to make sure that we  
9 finally have 21st-century laws that respect the  
10 privacy of women and the rights of doctors to be  
11 able to help them make the right decisions for  
12 their health and life and families.

13 Thank you, Madam President.

14 ACTING PRESIDENT SAVINO: Thank  
15 you, Senator Krueger.

16 (Applause from the gallery.)

17 ACTING PRESIDENT SAVINO: Read the  
18 last section.

19 THE SECRETARY: Section 3. This  
20 act shall take effect immediately.

21 ACTING PRESIDENT SAVINO: Call the  
22 roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT SAVINO: Announce  
25 the results.

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT SAVINO: The bill  
3 is passed.

4 SENATOR LIBOUS: Madam President.

5 ACTING PRESIDENT SAVINO: Senator  
6 Libous, that completes the reading of the  
7 controversial calendar.

8 SENATOR LIBOUS: Thank you.

9 There will be an immediate meeting  
10 of the Finance Committee in Room 332, immediate  
11 meeting of the Finance Committee in Room 332.

12 ACTING PRESIDENT SAVINO: There  
13 will be an immediate meeting of the Finance  
14 Committee in Room 332.

15 The Senate will stand at ease  
16 pending the return of the Finance Committee.

17 (Whereupon, the Senate stood at ease  
18 at 4:44 p.m.)

19 (Whereupon, the Senate reconvened at  
20 5:05 p.m.)

21 ACTING PRESIDENT SAVINO: Senator  
22 Libous.

23 SENATOR LIBOUS: Madam President,  
24 if we go to reports of standing committees, I  
25 believe there's a report of the Finance Committee

1 at the desk.

2 ACTING PRESIDENT SAVINO: Reports  
3 of standing committees.

4 The Secretary will read the report  
5 of the Finance Committee.

6 THE SECRETARY: Senator  
7 DeFrancisco, from the Committee on Finance,  
8 reports the following nominations.

9 As director of New York State  
10 Environmental Facilities Corporation, Vita  
11 DeMarchi, of Manlius.

12 As members of the Workers'  
13 Compensation Board, Linda Hull, of Rochester, and  
14 Kenneth J. Munnelly, of Delmar.

15 As a member of the Ogdensburg Bridge  
16 and Port Authority, Gavin M. Regan, of Potsdam.

17 As members of the Port of Oswego  
18 Authority, Kirk T. Coates, of Oswego, and Kenneth  
19 R. Stevens, of Oswego.

20 ACTING PRESIDENT SAVINO: Senator  
21 DeFrancisco.

22 SENATOR DeFRANCISCO: I move the  
23 nominations.

24 ACTING PRESIDENT SAVINO: The  
25 question is on the nomination. All those in

1 favor of -- excuse me.

2 Senator Breslin.

3 SENATOR BRESLIN: Madam President,  
4 I'd just like to second the nomination of Ken  
5 Munnelly for the Workers' Compensation Board.

6 Ken Munnelly and his wife are in the  
7 audience. I congratulate him. He's done a  
8 phenomenal job.

9 ACTING PRESIDENT SAVINO: Senator  
10 Libous.

11 SENATOR LIBOUS: Madam President, I  
12 too would -- I didn't realize that Ken Munnelly  
13 was with us today, and I too want to compliment  
14 the Governor on this fine appointment and wish  
15 Mr. Munnelly the best of success.

16 ACTING PRESIDENT SAVINO: Are there  
17 any other members wishing to be heard on  
18 Mr. Munnelly or any other of the nominations?

19 Seeing none, all those in favor  
20 signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT SAVINO: Opposed,  
23 nay.

24 (No response.)

25 ACTING PRESIDENT SAVINO: The

1 nominations are confirmed.

2 Senator Libous.

3 SENATOR LIBOUS: Madam President,  
4 at this time I will call an immediate meeting of  
5 the Rules Committee in Room 332, an immediate  
6 meeting of the Rules Committee in Room 332.

7 And the Senate will stand at ease.

8 ACTING PRESIDENT SAVINO: There  
9 will be an immediate meeting of the Rules  
10 Committee in Room 332.

11 The Senate will stand at ease  
12 pending the return of the Rules Committee.

13 (Whereupon, the Senate stood at ease  
14 at 5:07 p.m.)

15 (Whereupon, the Senate reconvened at  
16 5:50 p.m.)

17 ACTING PRESIDENT CARLUCCI: Senator  
18 Libous.

19 SENATOR LIBOUS: There will be an  
20 immediate, immediate meeting of the Rules  
21 Committee in Room 332.

22 ACTING PRESIDENT CARLUCCI:  
23 Immediate meeting of the Rules Committee in  
24 Room 332 of the Capitol.

25 The Senate will stand at ease.



1                   (Whereupon, the Senate stood at ease  
2 at 5:51 p.m.)

3                   (Whereupon, the Senate reconvened at  
4 6:07 p.m.)

5                   SENATOR LIBOUS:     Madam President.

6                   ACTING PRESIDENT SAVINO:     Senator  
7 Libous.

8                   SENATOR LIBOUS:     If we could please  
9 go back to reports of standing committees, I  
10 believe there's a report of the Rules Committee  
11 at the desk.

12                  ACTING PRESIDENT SAVINO:     Reports  
13 of standing committees.

14                  The Secretary will read the report  
15 of the Rules Committee.

16                  THE SECRETARY:     Senator Skelos,  
17 from the Committee on Rules, reports the  
18 following bills:

19                         Senate Print 5832, by Senator  
20 Marcellino, an act to amend the Alcoholic  
21 Beverage Control Law;

22                         5833, by Senator Valesky, an act to  
23 amend the Alcoholic Beverage Control Law;

24                         5852, by Senator Savino, an act to  
25 amend Chapter 74 of the Laws of 2007;

1                   5872, by Senator Savino, an act to  
2 amend the Labor Law;

3                   5873, by Senator Valesky, an act to  
4 amend the Executive Law;

5                   5874, by Senator Little, an act to  
6 amend the Executive Law;

7                   5875, by Senator Little, an act to  
8 amend the Executive Law;

9                   5876, by Senator Robach, an act to  
10 amend the Real Property Law;

11                   5877, by Senator Young, an act to  
12 amend the Domestic Relations Law;

13                   5878, by Senator Young, an act to  
14 amend the Family Court Act;

15                   5879, by Senator Lanza, an act to  
16 amend the Penal Law;

17                   5880, by Senator Hannon, an act to  
18 amend the Executive Law;

19                   5883, by Senator Bonacic, an act to  
20 amend the Racing, Pari-Mutuel Wagering and  
21 Breeding Law;

22                   5898, by Senator Bonacic, Concurrent  
23 Resolution of the Senate and Assembly proposing  
24 an amendment to subdivision 1;

25                   5903, by Senator Libous, an act to

1 amend the Economic Development Law;

2 And 5904, by Senator Bonacic, an act  
3 to amend the Racing, Pari-Mutuel Wagering and  
4 Breeding Law.

5 All bills reported direct to third  
6 reading.

7 SENATOR LIBOUS: I move to accept  
8 the report of the Rules Committee, Madam  
9 President.

10 ACTING PRESIDENT SAVINO: There's a  
11 motion to accept the report of the Rules  
12 Committee. All those in favor signify by saying  
13 aye.

14 (Response of "Aye.")

15 ACTING PRESIDENT SAVINO: Opposed,  
16 nay.

17 (No response.)

18 ACTING PRESIDENT SAVINO: The  
19 report is accepted.

20 Senator Libous.

21 SENATOR LIBOUS: Madam President, I  
22 think at this time we're not prepared to do the  
23 reading of the second Rules. Or are we? We are  
24 not.

25 So then at this time it would be

1 Calendar Number 57A, Supplemental Calendar 57A.  
2 Let's have the noncontroversial reading of that  
3 calendar.

4 I'm sorry. I'm sorry, has that  
5 calendar been passed out yet? Then we'll wait  
6 till everybody gets a copy of it. Okay,  
7 Senator? As soon as all the members get a copy  
8 of Supplemental Calendar 57A, we will do the  
9 noncontroversial reading of this calendar.

10 ACTING PRESIDENT SAVINO: The  
11 Secretary will proceed with the noncontroversial  
12 reading of Supplemental Calendar 57A.

13 THE SECRETARY: In relation to  
14 Calendar Number 1578, Senator Marcellino moves to  
15 discharge, from the Committee on Rules, Assembly  
16 Bill Number 8046 and substitute it for the  
17 identical Senate Bill Number 5832, Third Reading  
18 Calendar 1578.

19 ACTING PRESIDENT SAVINO:  
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number  
23 1578, by Member of the Assembly Schimminger,  
24 Assembly Bill Number 8046, an act to amend the  
25 Alcoholic Beverage Control Law.

1           ACTING PRESIDENT SAVINO:   Read the  
2   last section.

3           THE SECRETARY:   Section 2.   This  
4   act shall take effect on the 180th day.

5           ACTING PRESIDENT SAVINO:   Call the  
6   roll.

7           (The Secretary called the roll.)

8           ACTING PRESIDENT SAVINO:   Announce  
9   the results.

10          THE SECRETARY:   Those recorded in  
11   the negative on Calendar 1578 are Senators Ball  
12   and Diaz.

13          Ayes, 61.   Nays, 2.

14          ACTING PRESIDENT SAVINO:   The bill  
15   is passed.

16          THE SECRETARY:   In relation to  
17   Calendar Number 1579, Senator Valesky moves to  
18   discharge, from the Committee on Rules, Assembly  
19   Bill Number 8047 and substitute it for the  
20   identical Senate Bill Number 5833, Third Reading  
21   Calendar 1579.

22          ACTING PRESIDENT SAVINO:  
23   Substitution ordered.

24          The Secretary will read.

25          THE SECRETARY:   Calendar Number

1 1579, by Member of the Assembly Schimminger,  
2 Assembly Print Number 8047, an act to amend the  
3 Alcoholic Beverage Control Law.

4 ACTING PRESIDENT SAVINO: Read the  
5 last section.

6 THE SECRETARY: Section 22. This  
7 act shall take effect on the 90th day.

8 ACTING PRESIDENT SAVINO: Call the  
9 roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT SAVINO: Senator  
12 Valesky to explain his vote.

13 SENATOR VALESKY: Yes, Madam  
14 President, I rise to briefly explain my vote for  
15 this piece of legislation and want to thank  
16 Governor Cuomo for sending us this Governor's  
17 program bill.

18 This is a bill that came out of a  
19 summit that the Governor convened a number of  
20 months ago that was important for both the  
21 agriculture and the tourism industries in the  
22 state. One of the suggestions made at that  
23 summit was that the craft cider industry in  
24 New York could be developed to a significantly  
25 new level if we were to pattern legislation after

1 farm winery, farm distillery, and farm brewery  
2 licenses. So that is exactly what this bill  
3 does.

4 I also want to thank Senator Ritchie  
5 for joining me in cosponsoring this legislation  
6 and appreciate the support of all of my  
7 colleagues. I vote in the affirmative.

8 Thank you.

9 ACTING PRESIDENT SAVINO: Senator  
10 Valesky to be recorded in the affirmative.

11 Are there any other Senators wishing  
12 to explain their vote?

13 Seeing none, announce the results.

14 THE SECRETARY: Those recorded in  
15 the negative on Calendar Number 1579 are Senators  
16 Diaz, Espaillat, Fuschillo, LaValle, Marchione  
17 and Martins.

18 Ayes, 57. Nays, 6.

19 ACTING PRESIDENT SAVINO: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 1581, by Senator Savino, Senate Print 5872, an  
23 act to amend the Labor Law.

24 ACTING PRESIDENT SAVINO: Read the  
25 last section.

1 THE SECRETARY: Section 5. This  
2 act shall take effect on the 90th day.

3 ACTING PRESIDENT SAVINO: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT SAVINO: Senator  
7 Krueger to explain her vote.

8 SENATOR KRUEGER: Thank you, Madam  
9 President.

10 I will be voting on this bill  
11 positively today, but I will bring people's  
12 attention back to a bill, a similar bill but a  
13 much broader bill on equal pay that I have  
14 carried for several years that in fact passed the  
15 Committee on Labor several times.

16 And so I wish we were actually  
17 passing my version of the bill today, but I see  
18 no reason for me to vote no on the bill that is  
19 not as strong as the one I wish we were voting  
20 on.

21 Thank you, Madam President.

22 ACTING PRESIDENT SAVINO: Senator  
23 Krueger to be recorded in the affirmative.

24 Senator Kennedy to explain his vote.

25 SENATOR KENNEDY: Thank you, Madam



1 President.

2 I rise to support the Fair Pay Act.  
3 This vote is long overdue. It's long past time  
4 that women in the workplace be ensured equal pay  
5 for equal work. This critically important  
6 measure will finally end wage discrimination and  
7 ensure level footing and fair paychecks for all  
8 in the workplace. It will help bridge the wage  
9 gap among genders.

10 Women in New York State are paid  
11 roughly 83 cents to every dollar earned by a  
12 man. That is unacceptable. For minority women,  
13 the gap is even larger. Nationwide,  
14 African-American women are paid 66 cents and  
15 Hispanic women 55 cents to every dollar paid to a  
16 man. This is a divide that must be closed, an  
17 injustice that must be ended.

18 In a nation and a state built upon a  
19 foundation of fairness and equality for all, it's  
20 unconscionable that people still endure wage  
21 discrimination based upon gender. By passing  
22 this fair pay legislation, we'll make New York  
23 State a national leader for equal pay, improve  
24 protections for women in the workforce and help  
25 stimulate economic growth across our state.

1           This vote could help stimulate the  
2           economy. Studies have shown that the national  
3           economy would grow by 3 to 4 percent if the wage  
4           gap were closed and all workers were paid fairly  
5           and equitably regardless of gender.

6           With this bill, New York State will  
7           help lead the way for the rest of the nation  
8           while also addressing long-standing challenges  
9           facing our state. About 15 percent of New York  
10          women earn incomes at or below the poverty  
11          threshold. Twenty-eight states have less female  
12          poverty than New York State. That is  
13          abominable.

14          Single mothers endure especially  
15          inequitable conditions: 42 percent of  
16          single-mother families live below the poverty  
17          line, and 22 percent live in extreme poverty. By  
18          earning fair and equal pay for women, we will  
19          help lift entire families and boost economic  
20          mobility within this state.

21          We have fought to ensure equal pay  
22          for equal work, and I'm proud to support this  
23          bill. I want to thank the advocates who worked  
24          so hard to push this measure for a vote today and  
25          my colleagues on both sides of the aisle for

1 their support.

2 Madam President, I vote aye.

3 ACTING PRESIDENT SAVINO: Senator  
4 Kennedy to be recorded in the affirmative.

5 Senator Parker to explain his vote.

6 SENATOR PARKER: Thank you, Madam  
7 President.

8 Let me say congratulations to you,  
9 Madam President, on introducing this bill, and  
10 the members of this house for bringing this bill  
11 to the floor.

12 Fifty years ago John F. Kennedy  
13 signed the Women's Equal Pay Act into law. Yet  
14 here we are 50 years later, two decades later, a  
15 new millennium later, still discussing the same  
16 issue.

17 It's beyond time that we've done  
18 this. Senator Kennedy made a good argument about  
19 the economics of it. But just in terms of fair  
20 play and responsibility is the reason why we  
21 should be voting on this bill today.

22 It is, as many of you know, an issue  
23 that really speaks to me personally. I think I  
24 have tried in my time here to examine the issues  
25 of disparities, whether it's been race, gender or

1 sexual preference. For those reason, some time  
2 ago I introduced a bill that would examine these  
3 disparities, not just based on sex, race and  
4 national original, but particularly that speaks  
5 to the things that we're speaking to today.

6 We could dissect exactly where the  
7 problems lie and extinguish them immediately, and  
8 so I'm glad to see that the elements of the  
9 legislation I introduced, S5872, are present in  
10 today's bill. And so I ask for everyone to vote  
11 for this bill. It's an important thing for not  
12 just women but for all of the families that we  
13 represent here in the great State of New York.

14 I vote aye.

15 ACTING PRESIDENT SAVINO: Senator  
16 Parker to be recorded in the affirmative.

17 Senator Hoylman to explain his vote.

18 SENATOR HOYLMAN: Thank you, Madam  
19 President.

20 I first want to say it's good to see  
21 two women at the rostrum this evening.

22 And, you know, I'm disappointed that  
23 we are not able to consider all 10 pieces of the  
24 Women's Equality Act tonight. Margaret Sanger  
25 said "No woman can call herself free who does not

1 own and control her body. No woman can call  
2 herself free until she can choose consciously  
3 whether she will or will not be a mother."

4 That said, Madam President, I have a  
5 two-year-old daughter named Sylvia, and I think  
6 about her future in New York and her future in  
7 the workforce. And I'm heartened that the work  
8 of Senator Krueger and Senator Parker and  
9 Senator Savino herself have culminated in  
10 tonight's legislation, and I'm very proud to vote  
11 aye.

12 Thank you.

13 ACTING PRESIDENT SAVINO: Senator  
14 Hoylman to be recorded in the affirmative.

15 Senator O'Brien to explain his vote.

16 SENATOR O'BRIEN: Thank you, Madam  
17 President.

18 Pay inequality undermines the basic  
19 tenet our country was founded on, that each of us  
20 will have a fair opportunity to achieve success.  
21 We've come a long way forward, but until we see  
22 the day when women are treated equally with men  
23 in the workplace, we have work to do.

24 The pay gap between men and women is  
25 real. Working women in New York are paid just

1 84 percent of what men are. And at every level  
2 of academic achievement, whether it's high school  
3 graduate, college graduate, advanced degrees,  
4 women's median wages are less than men's wages.

5 Pay equity, though is more than a  
6 women's issue. It's a family issue. Families  
7 increasingly rely on women's wages to keep the  
8 bills paid, and fully one-third of employed  
9 mothers are the sole breadwinners for their  
10 families. When these women are paid less than  
11 their male counterparts, it leads to poor living  
12 conditions and fewer opportunities for their  
13 children.

14 It is very important that we pass  
15 this legislation. It simply prohibits paying  
16 women less because of their sex and protects  
17 women who make inquiries about pay disparities  
18 from retaliation.

19 Madam President, I vote yes.

20 ACTING PRESIDENT SAVINO: Senator  
21 O'Brien to be recorded in the affirmative.

22 Senator Martins to explain his vote.

23 SENATOR MARTINS: Thank you, Madam  
24 President.

25 Colleagues, I stand in full support

1 of this measure. As most of you if not all of  
2 you know, I have the privilege of four daughters  
3 at home: Kaitlin, Vanessa, Emma and Caroline,  
4 16, 13, 7 and 5.

5 And what we do today will make a  
6 marked difference in my daughter's lives, in the  
7 fact that because of the efforts that we had  
8 today, because of the fact that we have  
9 leadership from people like Senator Skelos and  
10 from my Republican colleagues here and from our  
11 partners in the IDC, we are able today to provide  
12 a brighter future for my daughters and for yours,  
13 for future New Yorkers that will eventually but  
14 definitely put an end to the disparities in wages  
15 that have plagued our society for years.

16 So yes, what we do today does make a  
17 difference. Things like this make a difference.  
18 And we can see it tangibly when we go home, when  
19 we eventually leave Albany, when I'm able to  
20 drive down the Thruway, when I'm able to open my  
21 front door and I'm able to look at my daughters  
22 and I know today we made a difference in their  
23 lives, not only for them but for all girls, young  
24 women and women throughout New York State.

25 Madam President, I vote aye.

1                   ACTING PRESIDENT SAVINO:    Senator  
2   Martins to be recorded in the affirmative.

3                   Senator Tkaczyk to explain her vote.

4                   SENATOR TKACZYK:    I'll be brief,  
5   everyone.

6                   I'm very proud to be here to vote on  
7   this bill, and it's about time.

8                   Thank you.

9                   ACTING PRESIDENT SAVINO:    Senator  
10   Tkaczyk to be recorded in the affirmative.

11                   Senator Marchione to explain her  
12   vote.

13                   SENATOR MARCHIONE:    Thank you,  
14   Madam President.

15                   And I rise to explain my vote, and  
16   I'm thrilled to be able to do that.

17                   You know, as a woman when I grew up,  
18   the question was still being asked "Do you want  
19   to go to college?" or "Is there really a reason  
20   for a woman to go to college, because she's going  
21   to stay home and she's going to take care of her  
22   children."

23                   And that's admirable.   But those  
24   days of asking whether a woman is going to go to  
25   college or take care of her children, those days



1 are over. And the days of us as we grew up and  
2 for the 35 years I have in the workforce, I think  
3 any woman would not telling the complete truth if  
4 they said that they were treated equally and that  
5 they got equal pay for equal work, because it  
6 just hasn't happened.

7 I am thrilled to be able to support  
8 this bill. Thank you, Madam President.

9 ACTING PRESIDENT SAVINO: Senator  
10 Marchione to be recorded in the affirmative.

11 Are there any other members wishing  
12 to explain their votes?

13 Senator Sanders.

14 SENATOR SANDERS: Thank you, Madam  
15 President.

16 When I dared dream of running for  
17 the State Senate, this is the type of vote that I  
18 dreamed of doing. I wanted to honor my mother,  
19 my sisters, to all the people who fought so hard  
20 to make sure that I was the person that they  
21 hoped I will be.

22 This is the type of vote that is  
23 needed, this and the other votes that we need to  
24 take. I of course am saddened that it's taken so  
25 long to get here. This is something that we

1     should have done 50 years ago, perhaps a hundred  
2     years ago. And I'm saddened also that it may not  
3     be as real as we'd like it to be at the end of  
4     this vote.

5             However, my friends, the journey of  
6     a thousand miles begins with the first step. And  
7     towards the position of the beloved society, I  
8     think that this is a worthy first step.

9             I gladly vote aye.

10            ACTING PRESIDENT SAVINO:     Senator  
11     Sanders to be recorded in the affirmative.

12            Senator Stavisky to explain her  
13     vote.

14            SENATOR STAVISKY:     Thank you, Madam  
15     President.

16            When my father many, many years ago  
17     began as a teacher, a high school teacher in the  
18     New York City schools, men were paid more than  
19     women because it was assumed that, you know, men  
20     were the breadwinners.

21            That's wrong. It was wrong then,  
22     it's wrong now. And I vote aye.

23            ACTING PRESIDENT SAVINO:     Senator  
24     Stavisky to be recorded in the affirmative.

25            One more time, are there any other

1 members wishing to explain their vote?

2                   Seeing none, announce the results.

3                   THE SECRETARY:    Ayes, 63.

4                   ACTING PRESIDENT SAVINO:   The bill  
5 is passed.

6                   (Appause from the gallery.)

7                   THE SECRETARY:    Calendar Number  
8 1582, by Senator Valesky, Senate Print 5873, an  
9 act to amend the Executive Law.

10                  ACTING PRESIDENT SAVINO:   Read the  
11 last section.

12                  THE SECRETARY:    Section 3.  This  
13 act shall take effect on the 90th day.

14                  ACTING PRESIDENT SAVINO:   Call the  
15 roll.

16                  (The Secretary called the roll.)

17                  ACTING PRESIDENT SAVINO:   Senator  
18 Krueger to explain her vote.

19                  SENATOR KRUEGER:    This bill  
20 addresses ending sexual harassment on the job for  
21 every employee, so it matters for men and women.  
22 But 75 percent of all sexual harassment  
23 complaints with the Division of Human Rights are  
24 filed by women.  Eighty-three percent of all  
25 federal EEOC complaints of sexual harassment are

1 filed by women.

2 The problem up until now has been  
3 that those women working for employers with fewer  
4 than four employees were not treated equally  
5 under the law. They could not file a complaint  
6 because small employers are currently exempt.

7 More than 60 percent of the  
8 employers in New York State have fewer than four  
9 employees. So with this bill we are expanding  
10 sexual harassment protection for over 60 percent  
11 of the people who work in the State of New York.

12 It's an important piece of the full  
13 10-point bill that I wish we were voting on  
14 today, but I'm very proud to vote yes on this  
15 bill.

16 Thank you, Madam President.

17 ACTING PRESIDENT SAVINO: Senator  
18 Krueger to be recorded in the affirmative.

19 Are there any other members wishing  
20 to explain their vote?

21 Announce the results.

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT SAVINO: The bill  
24 is passed.

25 (Applause from the gallery.)

1                   THE SECRETARY:   Calendar Number  
2   1583, by Senator Little, Senate Print 5874, an  
3   act to amend the Executive Law.

4                   ACTING PRESIDENT SAVINO:   Read the  
5   last section.

6                   THE SECRETARY:   Section 4.   This  
7   act shall take effect on the 90th day.

8                   ACTING PRESIDENT SAVINO:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT SAVINO:   Senator  
12   Little to explain her vote.

13                   SENATOR LITTLE:   Thank you, Madam  
14   President.

15                   And I'm really pleased to be able to  
16   put forth this bill.   This is a bill that would  
17   help a person who had been discriminated against,  
18   because of a sexual base, on employment or credit  
19   decisions and credit discrimination.

20                   And we have to assure that this is a  
21   valid claim, and it would strike a balance  
22   between the claimant as well as the defendant.  
23   And the defendants would have to -- in a  
24   proceeding, the defendant -- and if it was the  
25   department, it would not be the state, would not

1 be having to pay attorney fees.

2 But the defendant in an action would  
3 have to show that the proceeding was brought in  
4 bad faith and it was solely for the purposes of  
5 delaying or prolonging a resolution of litigation  
6 or to harass or maliciously injure another.

7 We know many times a person who is  
8 being discriminated against in employment, not  
9 making that kind of money, or feeling that they  
10 are being harassed and unable to get credit  
11 because of sexual discrimination, really does not  
12 have the ability to pay attorney fees. And this  
13 would require that the person would have to apply  
14 and make a motion to get those attorney fees.

15 And certainly the defendant has that  
16 ability to make sure that it's a valid claim and  
17 do all of that. This strikes a good balance  
18 between the claimant as well as the defendant.

19 So thank you very much.

20 ACTING PRESIDENT SAVINO: Senator  
21 Little to be recorded in the affirmative.

22 Are there any other members wishing  
23 to explain their vote?

24 Senator Parker to explain his vote.

25 SENATOR PARKER: Thank you, Madam

1 President.

2 First let me begin by thanking  
3 Senator Little for introducing this bill and  
4 being a champion for it. And obviously, again,  
5 to the leaders of this house for making sure that  
6 this bill came to the floor.

7 I think that this bill that deals  
8 with attorney fees for discrimination is really  
9 the best part of this women's equality package.  
10 And I may be a little bit biased because, you  
11 know, at the beginning of session I started down  
12 this very same road and in fact this very same  
13 course.

14 I learned that under the Human  
15 Rights Law of this state, which is really the  
16 biggest protection for all types of  
17 discrimination in this state, that harassment and  
18 disparate treatment did not provide any monetary  
19 basis for attorneys to pick this up. And so how  
20 could you get your rights protected if you felt  
21 someone was doing something to you if in fact you  
22 couldn't get an attorney to in fact take up your  
23 case?

24 So I wrote a bill about it, and it  
25 was S3294A, which requires the award of attorney

1 fees to prevailing parties in all human rights  
2 cases -- particularly, you know, as we speak now  
3 about women, but this legislation actually would  
4 protect everyone who had in fact a human rights  
5 case.

6 The New York City Human Rights Law  
7 and the federal Civil Rights Law award attorneys  
8 fees, but the New York State law does so only for  
9 housing discrimination cases, and accounts for  
10 less than 8 percent of the cases filed.

11 So I'm very glad that this bill has  
12 come to the floor. I am urging my colleagues to  
13 vote yes. And I'll be voting yes too, Madam  
14 President.

15 ACTING PRESIDENT SAVINO: Senator  
16 Parker to be recorded in the affirmative.

17 Announce the results.

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT SAVINO: The bill  
20 is passed.

21 (Applause from the gallery.)

22 THE SECRETARY: Calendar Number  
23 1584, by Senator Little, Senate Print 5875, an  
24 act to amend the Executive Law.

25 ACTING PRESIDENT SAVINO: Read the



1 last section.

2 THE SECRETARY: Section 6. This  
3 act shall take effect on the 90th day.

4 ACTING PRESIDENT SAVINO: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT SAVINO: Senator  
8 Little to explain her vote.

9 SENATOR LITTLE: Thank you, Madam  
10 President.

11 This is another bill that would help  
12 a person gain employment and to be fairly judged,  
13 and it would not be based upon their familial  
14 status.

15 So what we're talking about here is  
16 an employer could not look at two equal  
17 applicants who are looking for a job and choose  
18 the single person who had no children over the  
19 single person who had children, based upon the  
20 fact that the person with children may be missing  
21 work, may have to take sick days, may have to get  
22 children to a doctor, may be called to a school  
23 as a result. And we hope that no one does that,  
24 but we also know that it could easily happen.

25 We also would not want someone to

1 discriminate over a single person to a person who  
2 has a spouse who may be beginning to start a  
3 family, that that also would not be allowed in  
4 this bill. We couldn't discriminate on that  
5 basis.

6           So it's based upon what your family  
7 status is and the fact that you have children and  
8 that you may be called away from work, you may  
9 have some distractions, maybe, as we all have had  
10 when we have family and children to take care  
11 of. You could not discriminate benefits against  
12 that.

13           And I think that this is important  
14 because, you know, many times we have two-career  
15 families and they have children. And so somebody  
16 would say, Well, that person's got too much going  
17 on, I'm going to choose the person that doesn't.

18           Or we have the instance of a single  
19 parent who certainly has a lot more obligations  
20 with their children and would be not considered  
21 for a job solely based on the fact that they had  
22 children.

23           So thank you, and I appreciate all  
24 of your votes. Thank you.

25           ACTING PRESIDENT SAVINO:     Senator

1 Little to be recorded in the affirmative.

2 Senator Serrano to explain his vote.

3 SENATOR SERRANO: Thank you very  
4 much, Madam President. And I rise in support of  
5 this legislation.

6 In the communities where I represent  
7 East Harlem and the South Bronx, you have some of  
8 the highest instances of single parents, moms  
9 with children who are raising the entire family.  
10 And all of the discriminations that she would be  
11 facing are many of the issues that we are  
12 addressing here today.

13 And this particular bill really  
14 speaks to a very difficult problem, one that  
15 unfortunately puts many of these families in my  
16 district deeper and deeper into poverty every  
17 single year.

18 As has been mentioned, women are  
19 children are less likely to be recommended for  
20 hiring and promotion, less salary than similarly  
21 situated men. Seventy percent of children living  
22 with single mothers are poor or low-income.

23 And here's one that's very  
24 troubling. An average woman loses \$434,000 of  
25 salary over a 40-year career due to the quote,

1 unquote, motherhood penalty.

2           So I'm so happy to stand with my  
3 colleagues on this and other issues to address  
4 the major disparities that exist and have  
5 affected disproportionately communities like  
6 East Harlem and the South Bronx. And I  
7 congratulate Governor Cuomo for pushing very  
8 strongly on these issues, and I look forward to  
9 its passage.

10           Thank you.

11           ACTING PRESIDENT SAVINO:    Senator  
12 Serrano to be recorded in the affirmative.

13           Senator Squadron to explain his  
14 vote.

15           SENATOR SQUADRON:    Thank you, Madam  
16 President.

17           A couple of bills ago a number of my  
18 colleagues spoke about pay equity and how  
19 important it is, and they were right to do so.  
20 It is critically important.

21           You know, this bill interlocks with  
22 that one in such a key way. We can't allow pay  
23 inequity, we must crack down on it. And that was  
24 a historic and significant bill to pass. But if  
25 we don't also crack down on discrimination based

1 on familial status, that first part of this bill  
2 won't have the effect that we need it to have.

3 And the effect is that no woman  
4 should have the concern in the back of their head  
5 that what happens with their family, their  
6 obligations, their parenthood is going to have a  
7 negative impact on their career. No person  
8 because of their status should risk lower pay for  
9 the same work for the same day.

10 And it really speaks to the extent  
11 to which Governor Cuomo was really wise to create  
12 the 10-point agenda, because each of these issues  
13 link with each other. When you're talking about  
14 equality, you're not talking about any single  
15 failure of societies. When you're talking about  
16 equality, you're not just talking about one  
17 consequence that's been identified. Each one of  
18 the consequences that women in this state and, as  
19 a result, all of us in this state live with every  
20 day need to be solved by looking at the entire  
21 picture and the entire concern.

22 So I wish we were looking at the  
23 entire 10-point Women's Equality Agenda today,  
24 but I am so glad -- I want to congratulate  
25 Senator Little for that, Senator Savino for the

1 earlier bill, and all the other sponsors and  
2 cosponsors of the bills we are looking at today,  
3 because in total they're going to create a  
4 society that's more equitable and more just --  
5 not just for women, but for all of us. Because  
6 the injustice and inequality that women must face  
7 today brings the entire state to a lower place  
8 than it should.

9 I'll vote aye, Madam President.

10 ACTING PRESIDENT SAVINO: Senator  
11 Squadron to be recorded in the affirmative.

12 Are there any other members wishing  
13 to explain their vote?

14 Seeing none, announce the results.

15 THE SECRETARY: Ayes, 63.

16 ACTING PRESIDENT SAVINO: The bill  
17 is passed.

18 (Applause from the gallery.)

19 THE SECRETARY: Calendar Number  
20 1585, by Senator Robach, Senate Print 5876, an  
21 act to amend the Real Property Law.

22 ACTING PRESIDENT SAVINO: Read the  
23 last section.

24 THE SECRETARY: Section 5. This act  
25 shall take effect --

1                   SENATOR GIANARIS:   Lay it aside.

2                   ACTING PRESIDENT SAVINO:   The bill  
3 is laid aside.

4                   THE SECRETARY:   Calendar Number  
5 1586, by Senator Young, Senate Print 5877, an act  
6 to amend the Domestic Relations Law.

7                   ACTING PRESIDENT SAVINO:   Read the  
8 last section.

9                   THE SECRETARY:   Section 15. This  
10 act shall take effect immediately.

11                   ACTING PRESIDENT SAVINO:   Call the  
12 roll.

13                   (The Secretary called the roll.)

14                   ACTING PRESIDENT SAVINO:   Senator  
15 Young to explain her vote.

16                   SENATOR YOUNG:   Thank you, Madam  
17 President.

18                   Every nine seconds in the  
19 United States a woman is assaulted or beaten.  
20 And domestic violence is the leading cause of  
21 injury to women, more than car accidents,  
22 muggings, and rapes combined.

23                   This is a very important piece of  
24 legislation because it reforms the orders of  
25 protection system for domestic violence victims.

1           I salute everyone for their work on  
2       this important measure: Governor Cuomo, the  
3       New York State Senate, the State Assembly. By  
4       working together, we truly are making a huge  
5       difference in the system that will help so many  
6       victims.

7           I will be voting aye.

8           ACTING PRESIDENT SAVINO: Senator  
9       Young to be recorded in the affirmative.

10          Senator Espaillat to explain his  
11       vote.

12          SENATOR ESPAILLAT: Thank you,  
13       Madam President.

14          I am happy to be taking up and  
15       voting favorably on these bills. I want to  
16       commend the sponsor of the bill and all my other  
17       colleagues that are cosponsors of the bill.

18          This bill chooses to address issues  
19       of criminal justice that impact directly on  
20       women. And one of them is the scope of orders of  
21       protection and temporary orders of protection.

22          I would have liked to see included  
23       in this bill a provision that was discussed  
24       before its adoption that included the translation  
25       of orders of protection. You may know, Madam



1 President, that domestic violence happens  
2 disproportionately very often in immigrant  
3 communities. The data shows that across the  
4 state immigrant communities are affected  
5 dramatically by domestic violence and that in  
6 fact there's an epidemic there.

7 We must make sure that the issuance  
8 and the terms of orders of protection are  
9 culturally and linguistically sensitive and that  
10 both the victim, the woman, understands  
11 specifically what the terms of orders of  
12 protection are, and the batterer also understands  
13 what the limits are that are placed upon him.

14 So we are voting on this package of  
15 legislation that will move women ahead. I hope  
16 that in the future we'll be able to take up  
17 another bill that would address this particular  
18 need that is important for women across the State  
19 of New York.

20 I will be voting aye, Madam Speaker.

21 ACTING PRESIDENT SAVINO: Senator  
22 Espaillat to be recorded in the affirmative.

23 Senator Rivera to explain his vote.

24 SENATOR RIVERA: Thank you, Madam  
25 President.

1                   At the beginning of this session we  
2                   were charged as a legislative body to address  
3                   issues that, as some of my colleagues have  
4                   pointed out, we have had way too long to deal  
5                   with, that have been undealt with for a very long  
6                   time.

7                   I am very happy to be able to stand  
8                   on this floor and vote in the affirmative on most  
9                   of these bills. Certainly I thank Senator Young  
10                  for bringing this to the floor on issues of  
11                  domestic violence, as we dealt before with  
12                  workplace protections, with pay, with housing  
13                  discrimination. All of these issues are  
14                  incredibly important to women all over the state.

15                  It is unfortunate, Madam President,  
16                  that we were not able to deal with the final  
17                  issue, obviously, on choice. I think that an  
18                  issue of women's health needs to be included in  
19                  this discussion. It is what we were charged with  
20                  at the beginning of this session. It is quite  
21                  unfortunate that we were not able to do that.

22                  But on every other issue I do  
23                  believe that we are moving forward, and I hope  
24                  that we are able to come to some sort of  
25                  agreement so we can move all of this forward.

1 But for the moment, I will be voting yes on this  
2 piece of legislation.

3 Thank you so much, Madam President.

4 ACTING PRESIDENT SAVINO: Senator  
5 Rivera to be recorded in the affirmative.

6 Senator Nozzolio to explain his  
7 vote.

8 SENATOR NOZZOLIO: Thank you, Madam  
9 Chairman. I rise in support of -- Madam  
10 President. I rise in support of this measure, as  
11 chairman of the Committee on Codes and one who  
12 has worked for a long time in ensuring that  
13 New York has a zero tolerance for violence at all  
14 levels.

15 Senator Young is to be commended for  
16 taking giant steps in ensuring that those who are  
17 threatened with violence, with any type of  
18 disorder, are dealt with in a way that is in fact  
19 protecting. The order of protection is too much  
20 an order and not enough protection.

21 And that's exactly what Senator  
22 Young is rectifying in this measure, making the  
23 orders of protection more readily enforceable,  
24 more notice, and more easily enforced in our  
25 courts. The order of protection does no one any

1 good unless it can be in fact having the full  
2 force and effect of our court system behind it.

3 That is why, Madam President, I  
4 think this is an excellent step in the right  
5 direction. We need to continue to stem the tide  
6 of domestic violence in this state. That I have  
7 risen on many occasions in this chamber asking  
8 for support of a measure called Brittany's Law,  
9 which is named after young girl who in one fell  
10 swoop, in an afternoon, a grandmother lost her  
11 daughter and her granddaughter because of a  
12 perpetrator of domestic violence.

13 We need to stop those incidents  
14 across this state. Senator Young's provisions  
15 take a giant step in that direction, and I'm very  
16 proud to support the measure.

17 Thank you, Madam President.

18 ACTING PRESIDENT SAVINO: Senator  
19 Nozzolio to be recorded in the affirmative.

20 Senator Serrano to explain his vote,  
21 followed by Senator Hassell-Thompson.

22 SENATOR SERRANO: Thank you very  
23 much, Madam President.

24 And again, I stand in support of  
25 this legislation and the mission of this

1     legislation.

2                   And I'd like to associate my  
3     comments with those of Senator Espaillat, that it  
4     is troubling that this legislation couldn't  
5     have -- it could have been better had the  
6     translation piece, the translation services  
7     portion been included.

8                   As he said, when you consider that  
9     so many of the victims of domestic violence are  
10    new immigrants -- we are a nation of immigrants.  
11    We would always be a nation of immigrants. And  
12    there is always new hardworking Americans coming  
13    to our shores every single day. And oftentimes,  
14    unfortunately, they do not come forward when  
15    they've been the victims of violence or any other  
16    crime, for that matter.

17                   And if you look at statistics in  
18    places like East Harlem and the South Bronx,  
19    there is a chronic underreporting of crime, and  
20    especially domestic violence.

21                   Without translation services, I fear  
22    that there will be less of a feeling of comfort  
23    for people to come forward because, again, they  
24    will just find there to be more and more  
25    difficult hurdles in their way to getting the

1 protection that they need.

2 But again, on the whole, this is a  
3 very good first step, a good piece of  
4 legislation. But I think it would have made more  
5 sense and been much stronger had there been  
6 translation services.

7 I vote aye.

8 ACTING PRESIDENT SAVINO: Senator  
9 Serrano to be recorded in the affirmative.

10 Senator Hassell-Thompson to explain  
11 her vote.

12 SENATOR HASSELL-THOMPSON: Thank  
13 you, Madam President.

14 First I'd like to congratulate  
15 Senator Young and all of those whose names are on  
16 the bill.

17 But I am saddened and I wouldn't be  
18 human if I didn't express my sadness about the  
19 fact that this was a bill, as you may remember,  
20 that I passed three years ago. And unfortunately  
21 at that time Governor Paterson chose to veto this  
22 bill, saying that he thought that the term of  
23 "domestic violence" that we used in the  
24 development of this bill would not pass muster  
25 because he thought it was too broad.

1           But what I do appreciate is that  
2   this bill became a part of a full discussion  
3   around issues of women. And certainly I am very  
4   pleased that this bill is being brought to the  
5   floor, even without my name on it and even  
6   without any recognition of the work that I put  
7   into trying to develop this and helping us as a  
8   body come to a place where the discussion of  
9   domestic violence has really taken a major turn.

10           Having been someone who worked for  
11   many years around this issue, looking at the  
12   numbers of women who have been violently  
13   abused -- and it took us a very long time to  
14   accept battered women as a conversation and  
15   domestic violence as something that we really  
16   needed to get behind.

17           And so I am at least proud of the  
18   fact that we have begun this dialogue and have  
19   brought ourselves to a point where we recognize  
20   that violence is unacceptable and that the  
21   discrimination against women who have been  
22   abused, whether it's in housing or in employment,  
23   is unacceptable. And that we as the State of  
24   New York are a testament to the fact that we have  
25   a zero tolerance for violence against women.

1                   And that we have finally got  
2   sophisticated enough to accept that the fact that  
3   across this state that this is becoming epidemic  
4   in too many instances and it is incumbent upon us  
5   to do everything possible to ensure that we  
6   announce to the women of this state that we  
7   understand your plight, we think that not only  
8   should there be punitive measures brought against  
9   those who commit violent acts against domestic  
10   partners and whomever. And also being sure that  
11   we create a safe workplace and that we do not  
12   allow discrimination in employment or in housing  
13   against women who are already abused.

14                  And so I thank you, Madam President,  
15   and to my colleagues who have pushed this to the  
16   floor. And I am gratified that this time we have  
17   a Governor who is understanding of these issues  
18   and will sign this bill so that the women of this  
19   state know that we have zero tolerance for  
20   violence against any woman.

21                  Thank you, Madam President.

22                  ACTING PRESIDENT SAVINO:    Senator  
23   Hassell-Thompson to be recorded in the  
24   affirmative.

25                  Are there any other members wishing



1 to explain their vote?

2 Seeing none, announce the results.

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT SAVINO: The bill  
5 is passed.

6 (Applause from the gallery.)

7 THE SECRETARY: Calendar Number  
8 1587, by Senator Young, Senate Print 5878, an act  
9 to amend the Family Court Act.

10 ACTING PRESIDENT SAVINO: Read the  
11 last section.

12 THE SECRETARY: Section 5. This  
13 act shall take effect April 1, 2014.

14 ACTING PRESIDENT SAVINO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT SAVINO: Senator  
18 Young to explain her vote.

19 SENATOR YOUNG: Thank you, Madam  
20 President.

21 This bill is actually based on  
22 legislation that I have sponsored and passed in  
23 this house previously, which would allow domestic  
24 violence victims to give testimony via electronic  
25 means.

1                   Very, very difficult for victims who  
2                   have been terrorized, may have been tortured,  
3                   raped, beaten by their abuser, to go into court  
4                   and be able to give testimony.

5                   And so this bill actually is a pilot  
6                   program for the filing of petitions for temporary  
7                   orders of protection by electronic means, and  
8                   also allows people to appear in court by  
9                   audiovisual means.

10                  And I think this will go a long way  
11                  in getting convictions for those who commit  
12                  domestic violence. It certainly will help  
13                  victims be able to give their testimony and also  
14                  start the process of healing.

15                  And so, Madam President, I thank my  
16                  colleagues for your support. I will be voting  
17                  aye.

18                  ACTING PRESIDENT SAVINO: Senator  
19                  Young to be recorded in the affirmative.

20                  Senator Rivera to explain his vote.

21                  SENATOR RIVERA: Thank you, Madam  
22                  President.

23                  Once again I stand to thank  
24                  Senator Young for bringing another good piece of  
25                  legislation to the floor. And's just another

1 aspect of what we need to do for women in this  
2 state.

3 I'll reiterate again, what we have  
4 done already, dealing with whether it's pay,  
5 whether it has to do with workplace protection  
6 against harassment, whether it has to do with  
7 domestic violence, whether it has to do with  
8 strengthening family law, with housing  
9 discrimination -- all of these are incredibly  
10 important issues, and some of them are very much  
11 long overdue.

12 But I repeat once again, it is  
13 unfortunate that at this time, Madam President,  
14 when we were charged at the beginning of the  
15 session with making sure that we had an  
16 opportunity to be heard on every single one of  
17 the issues that impacts the women of this state,  
18 that we had an opportunity to talk about health  
19 as well.

20 And the fact that we are not  
21 including this, that we are not voting on a bill  
22 that deals with that issue, that deals with the  
23 issue of choice, that deals with the issue of  
24 making sure that women in this state have the  
25 ability, have a guaranteed ability to seek

1 medical attention for medical conditions -- that  
2 is what we're talking about here -- it's a little  
3 disappointing.

4                   So again, Madam President and  
5 Senator Young, I thank you both for being two of  
6 the folks whose names are on these bills and for  
7 bringing all these issues before us. But once  
8 again, Madam President, it is unfortunate that we  
9 are not able to deal with the issue of choice,  
10 which again we were charged with at the beginning  
11 of this session.

12                   I vote aye on this piece of  
13 legislation. Thank you, Madam President.

14                   ACTING PRESIDENT SAVINO: Senator  
15 Rivera to be recorded in the affirmative.

16                   Are there any other members wishing  
17 to explain their vote?

18                   Seeing none, announce the results.

19                   THE SECRETARY: Ayes, 63.

20                   ACTING PRESIDENT SAVINO: The bill  
21 is passed.

22                   (Applause from the gallery.)

23                   THE SECRETARY: Calendar Number  
24 1588, by Senator Lanza, Senate Print 5879, an act  
25 to amend the Penal Law.

1                   ACTING PRESIDENT SAVINO:    Read the  
2   last section.

3                   THE SECRETARY:    Section 43.  This  
4   act shall take effect on the 90th day.

5                   ACTING PRESIDENT SAVINO:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT SAVINO:    Senator  
9   Lanza to explain his vote.

10                  SENATOR LANZA:    Thank you, Madam  
11   President.

12                  Colleagues, we stand at an  
13   incredibly positive and important moment here in  
14   New York State.  For so many years so many of our  
15   colleagues and friends on both sides of the aisle  
16   dreamt of enacting a law the likes of which is  
17   before us today.

18                  Not so long ago I read a story about  
19   a 15-year-old girl who wandered a little too far  
20   from her home.  She was captured, she was forced  
21   into a life of coerced prostitution.  She wasn't  
22   free to come or go.  And it's because there was a  
23   man who believed he owned her and everything she  
24   did and everything she thought.  And when the  
25   government finally showed up, it arrested her and

1 treated her like the criminal.

2           You might be thinking to yourself,  
3 What country, which century did this happen?  
4 Well, this is a story of the here and the now.  
5 Right here in our country there are over  
6 1 million victims of human trafficking. The  
7 overwhelming majority of those are girls and  
8 women.

9           For too long our criminal justice  
10 system has treated the victim as the criminal and  
11 has given a free ride to the real culprit. This  
12 law will end that.

13           I don't think in my experience there  
14 has ever been a law whose title so accurately  
15 described what the law will do. This is the  
16 Trafficking Victims Protection and Justice Act.  
17 It will provide the necessary tools to law  
18 enforcement so that we can finally bring justice  
19 in these horrific cases of human trafficking.  
20 Right now they do not have those tools. This  
21 will do that. We will begin finally in this  
22 state.

23           New York, New York is the number-one  
24 place where victims of human trafficking  
25 unfortunately are brought and reside. We can

1 turn that around. There's a lot of legislation  
2 that we deal with here. This is one where you  
3 can go home -- as the father of two young girls,  
4 I think about their safety every single moment of  
5 every single day. This is legislation that we  
6 can enact together here in New York that will  
7 save lives and begin to end this terrible scourge  
8 right here in our neighborhood, in our state and  
9 our country, that has destroyed countless numbers  
10 of young women's lives.

11 So many people worked so hard and so  
12 long to make this a reality. I want to thank a  
13 few. I want to thank our legislative leaders. I  
14 want to thank you, Madam President, Senator  
15 Savino, for your work, Senator Hannon, Senator  
16 Gallivan, Senator Krueger, and so many. And  
17 especially the advocates, my friend Emily Amick  
18 and the rest of my friends over at Sanctuary for  
19 Families.

20 I especially want to thank  
21 Assemblywoman Amy Paulin, who's here in the  
22 chamber today. She has been relentless in her  
23 leadership on this issue.

24 And now we stand at this wonderful  
25 moment where we can really turn back the tide on

1 what is really an issue that is affecting women  
2 and young girls in a way that will I think bring  
3 us toward a better future.

4 I want to thank you, Madam  
5 President. I vote in the affirmative and I urge  
6 all of my colleagues to join me.

7 ACTING PRESIDENT SAVINO: Senator  
8 Lanza to be recorded in the affirmative.

9 Senator Krueger to explain her vote.

10 SENATOR KRUEGER: Thank you, Madam  
11 President.

12 I rise in support of this bill. I  
13 would like to recognize Senator Lanza for the  
14 hard work he's done to get us here. I believe he  
15 has a separate bill that would have gone a bit  
16 farther to deal with the issues for 16- and  
17 17-year-olds caught up in being trafficked and  
18 then finding themselves in the criminal court  
19 system. But hopefully, maybe even before we  
20 leave town, we might see an additional bill that  
21 would address the problems for 16- and  
22 17-year-olds.

23 You know, a few years ago when we  
24 passed the original human trafficking bill, that  
25 didn't go far enough, which is why it is so



1 important that we are moving this legislation  
2 that recognizes both the need to increase  
3 penalties for those abusing young women, and in  
4 fact raping them and forcing them into  
5 prostitution and rape.

6               Years ago we didn't go far enough in  
7 addressing the needs of the victims of  
8 trafficking because someone here in the Senate  
9 with me at the time told me: "You can't fix  
10 girls once they've gone bad." It horrified me  
11 then, it horrifies me to this day that there are  
12 still those amongst us who may believe that young  
13 women forced into prostitution, forced to have  
14 sex against their will, forced to become pregnant  
15 against their will, might in fact be considered  
16 the criminal, not the victim.

17               And again, it reminds me why I wish  
18 we were doing the entire 10-point Women's  
19 Equality Agenda on the floor of this house  
20 tonight. Because in fact when you talk about the  
21 need to ensure that women have the right to make  
22 their own decisions about their lives and their  
23 bodies and not be trapped in rape and  
24 prostitution against their will, and not be  
25 forced into pregnancies that they have to deal

1 with against their will, you are talking about  
2 the issues of reproductive rights and  
3 protections. And we need to strengthen them and  
4 modernize them in this state. This is just one  
5 more example of a universe of women who need  
6 these rights and protections.

7 But again, I appreciate very much  
8 that this bill has been worked on so hard and  
9 long by so many. And I want to thank Senator  
10 Lanza again for being there to push on these  
11 critical issues.

12 Thank you. I vote yes.

13 ACTING PRESIDENT SAVINO: Senator  
14 Krueger to be recorded in the affirmative.

15 Senator Fuschillo to explain his  
16 vote.

17 SENATOR FUSCHILLO: Thank you very  
18 much, Madam President.

19 Let me thank Senator Lanza for  
20 bringing this bill to the floor.

21 There isn't a week that goes by that  
22 I don't receive a desperate phone call from my  
23 district office from a woman who feels  
24 discriminated against from the court systems here  
25 in the state, who feels discriminated against

1 from employment, who always asks us: Why, if I  
2 have the same quality education, the same  
3 experience as somebody else who goes in that job,  
4 am I looked at differently?

5 Now, I listened to Senator Martins  
6 talk about his daughters. Well, my youngest  
7 child is a daughter, Katie, the age of 13. And  
8 why should she go through high school and college  
9 and go look for a job or look for an apartment  
10 and be discriminated against just because she's a  
11 young lady?

12 Well, hopefully with what we've done  
13 here today with this series of bills -- and I  
14 want to thank my colleague for putting forth  
15 these legislations, and they're passing  
16 unanimously -- that will end. And if it doesn't,  
17 then our work is not done. Then we must come  
18 back here and reevaluate it to make sure that any  
19 discrimination among women ends today or our work  
20 has to continue on.

21 I'll be voting in the affirmative,  
22 Madam President.

23 ACTING PRESIDENT SAVINO: Senator  
24 Fuschillo to be recorded in the affirmative.

25 Are there any other members wishing

1 to explain their vote?

2 Seeing none, announce the results.

3 THE SECRETARY: Ayes, 63.

4 ACTING PRESIDENT SAVINO: The bill  
5 is passed.

6 (Applause from the gallery.)

7 THE SECRETARY: Calendar Number  
8 1589, by Senator Hannon, Senate Print 5880, an  
9 act to amend the Executive Law.

10 ACTING PRESIDENT SAVINO: Read the  
11 last section.

12 THE SECRETARY: Section 4. This  
13 act shall take effect on the 90th day.

14 ACTING PRESIDENT SAVINO: Call the  
15 roll.

16 (The Secretary called the roll.)

17 ACTING PRESIDENT SAVINO: Senator  
18 Hannon to explain his vote.

19 SENATOR HANNON: Thank you, Madam  
20 President.

21 This is legislation to require that  
22 employers provide reasonable accommodations to  
23 the pregnant working woman in New York State.

24 In 1978, there was a federal  
25 antidiscrimination act. There were subsequent

1 amendments to the New York State Human Rights  
2 Law. But both the federal law and the state law  
3 have gaps in them in regard to what should be  
4 reasonable accommodation, and this legislation is  
5 designed to fill into those gaps.

6 Just this week the National Women's  
7 Law Center and a group called Better Balance  
8 issued a whole report on the need to correct this  
9 imbalance. And regrettably, two or three of  
10 their examples that they used of working women  
11 who suffered this discrimination were New York  
12 residents, New York residents who somebody was  
13 forced to stand while pregnant for eight hours  
14 and not given a stool, somebody who was forced to  
15 do heavy lifting while pregnant when men with a  
16 disability were not.

17 And so we're designed to correct  
18 this. This fits in with the rest of the very  
19 worthy proposals we are dealing with today. And  
20 I would urge a yes vote by my colleagues.

21 ACTING PRESIDENT SAVINO: Senator  
22 Hannon to be recorded in the affirmative.

23 Senator Krueger to explain her vote.

24 SENATOR KRUEGER: Thank you, Madam  
25 President.

1 I'm very pleased to rise on this  
2 bill. I have a bill, S1479, that looked an awful  
3 lot like this bill. Since 2011, I have been  
4 trying to get it passed. So I am very happy that  
5 we are passing a version of it here tonight in  
6 2013.

7 Again, it's a bill to recognize, as  
8 Senator Hannon just said, reasonable  
9 accommodations for women who are pregnant and  
10 working.

11 Ironically, for me, it's exactly  
12 what I keep talking about about the importance of  
13 recognizing the needs of women and women's  
14 reproductive health. Because women's  
15 reproductive health is also all about making sure  
16 that women who want to have pregnancies and  
17 children can do so acceptably in our society, do  
18 not have to risk losing their jobs or taking a  
19 decreased paycheck or being forced into  
20 conditions that can risk their health and their  
21 pregnancy just to keep a job.

22 It's common sense. We want to make  
23 sure women who are pregnant are helped in all  
24 ways possible to carry to term healthy infants.  
25 We want to make sure they don't end up losing

1 their jobs and their source of income so they're  
2 not able to care for themselves and their  
3 children.

4           It's a simple bill, and yet some  
5 people didn't quite understand it. So I'm very  
6 glad to see that we are moving this bill  
7 tonight. It matters a lot for women in this  
8 state, for their families. And in fact, frankly,  
9 work situations will be better for men and women  
10 because we have made these simple  
11 accommodations.

12           Thank you, Madam President. I vote  
13 yes.

14           ACTING PRESIDENT SAVINO: Senator  
15 Krueger to be recorded in the affirmative.

16           Are there any other members --  
17 Senator Sanders, followed by Senator Carlucci.

18           Senator Sanders.

19           SENATOR SANDERS: Thank you, Madam  
20 President.

21           I rise to speak in favor of this  
22 bill also, and the other bills that we passed.  
23 I've longed to tell my daughter Nzinga, my  
24 sisters Naomi and Charlena, I've longed to tell  
25 my nieces Yolanda and Nakia that we are doing a

1 good thing, that we're making a historic move  
2 here.

3                   However, I fear, I have a fear, I  
4 fear that our pronounced and pious words are  
5 going to be imprisoned by this very majestic hall  
6 that we find ourselves in. I fear that if we do  
7 not get a companion bill from the Assembly, that  
8 all of these great things that we have promised  
9 to the people will be stillborn, caught and  
10 captured in this hall not to see the rest of  
11 New York, which needs this desperately.

12                   On another day, perhaps, let's  
13 pledge that we're going to reopen this book of  
14 justice and make sure that we write a new  
15 chapter, a chapter that upholds the oneness of  
16 the human family and says that after all is said  
17 and done, women hold up half the sky, and that's  
18 just the way it is, and we accept the realty. I  
19 look forward to that day even more than this  
20 day.

21                   I vote aye.

22                   ACTING PRESIDENT SAVINO:    Senator  
23 Sanders to be recorded in the affirmative.

24                   Senator Carlucci to explain his  
25 vote.



1                   SENATOR CARLUCCI:    Thank you, Madam  
2   President.

3                   I rise in support of this important  
4   legislation and want to thank my colleagues for  
5   supporting this what I would call common-sense  
6   legislation.  It's amazing to see that we do not  
7   have this legislation against pregnancy  
8   discrimination on the books in New York in 2013.  
9   To imagine that people could be discriminated  
10   against, women would be discriminated against in  
11   New York State for being pregnant is something  
12   that we cannot tolerate.

13                  I know my wife and I are expecting  
14   our first child next month.  And the fact that  
15   we're fortunate, she has a job, is working -- to  
16   see that women could be discriminated against  
17   because of pregnancy is something that we have to  
18   have a strict zero-tolerance policy against.

19                  So I want to thank my colleagues for  
20   working on this legislation with the Governor to  
21   make sure that this becomes the law and that we  
22   bring New York State's law into the 21st century,  
23   to make sure that no woman is discriminated  
24   against here in New York.

25                  So I enthusiastically support this

1 legislation and vote aye and encourage my  
2 colleagues to do the same.

3 Thank you, Madam President.

4 ACTING PRESIDENT SAVINO: Senator  
5 Carlucci to be recorded in the affirmative.

6 Announce the results.

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT SAVINO: The bill  
9 is passed.

10 (Applause; chanting from the  
11 gallery.)

12 ACTING PRESIDENT SAVINO: Senator  
13 Maziarz.

14 SENATOR MAZIARZ: Thank you very  
15 much, Madam President.

16 Madam President, if we can return to  
17 the order of reports of standing committees. Is  
18 there a report of the Rules Committee at the  
19 desk?

20 ACTING PRESIDENT SAVINO: Reports  
21 of standing committees. Senator Maziarz, there  
22 is a report of the Rules Committee at the desk.

23 The Secretary will read.

24 THE SECRETARY: Senator Skelos,  
25 from the Committee on Rules, reports the

1 following bills:

2 Senate Print 1958C, by Senator  
3 Golden, an act to amend the Tax Law;

4 And Senate Print 5846A, by Senator  
5 Maziarz, an act to amend the Environmental  
6 Conservation Law.

7 Both bills reported direct to third  
8 reading.

9 SENATOR MAZIARZ: Madam President,  
10 I move at this time to accept the report of the  
11 Rules Committee.

12 ACTING PRESIDENT SAVINO: There is  
13 a motion to accept the report of the Rules  
14 Committee. All those in favor signify by saying  
15 aye.

16 (Response of "Aye.")

17 ACTING PRESIDENT SAVINO: Opposed,  
18 nay.

19 (No response.)

20 ACTING PRESIDENT SAVINO: The Rules  
21 Committee report is accepted.

22 Senator Maziarz.

23 SENATOR MAZIARZ: Thank you, Madam  
24 President.

25 At this time could we have the

1 noncontroversial reading of Supplemental Calendar  
2 Number 57B.

3 ACTING PRESIDENT SAVINO: The  
4 Secretary will read.

5 THE SECRETARY: Calendar Number  
6 1576, by Senator Golden, Senate Print 1958C, an  
7 act to amend the Tax Law.

8 ACTING PRESIDENT SAVINO: Read the  
9 last section.

10 THE SECRETARY: Section 6. This  
11 act shall take effect --

12 SENATOR GIANARIS: Lay it aside.

13 ACTING PRESIDENT SAVINO: The bill  
14 is laid aside.

15 THE SECRETARY: Calendar Number  
16 1580, by Senator Maziarz, Senate Print 5846A, an  
17 act to amend the Environmental Conservation Law.

18 ACTING PRESIDENT SAVINO: Read the  
19 last section.

20 THE SECRETARY: Section 7. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT SAVINO: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT SAVINO: Senator

1 Maziarz to explain his vote.

2           SENATOR MAZIARZ:   Thank you very  
3 much, Madam President.   Just very briefly, I want  
4 to explain my vote.

5           This legislation is almost identical  
6 to legislation which all of my colleagues over  
7 here, with two exceptions, voted for just a  
8 couple of weeks ago.   This legislation would  
9 allow liquefied natural gas to be used in the  
10 State of New York.

11           This legislation will result in  
12 clean air in the State of New York.   This  
13 legislation will allow for more jobs in the State  
14 of New York.

15           I want to give a great deal of  
16 thanks and appreciation to my colleague on this  
17 side of the aisle, Senator Tom O'Mara, who's  
18 helped very much, whose district is awaiting the  
19 development of 50 to 60 jobs that can start in  
20 just a few weeks if this legislation becomes law  
21 in this state.

22           My colleagues in the Assembly are  
23 working diligently to get this bill passed.   The  
24 New York League of Conservation Voters, a very  
25 good environmental group, is in support of this

1     legislation. This is a good bill, and it's going  
2     to result in clean air.

3             The company that has thousands of  
4     brown trucks that are operating every day in  
5     every one of your districts and your districts  
6     want to go to liquefied natural gas. They're  
7     going to do that in every state in the nation  
8     except the State of New York because we have a  
9     very disingenuous ban here in this state.

10            Thank you, Madam President. I vote  
11     in the affirmative.

12            ACTING PRESIDENT SAVINO: Senator  
13     Maziarz to be recorded in the affirmative.

14            Senator Grisanti to explain his  
15     vote.

16            SENATOR GRISANTI: Yes, thank you,  
17     Mr. President.

18            You know, as chair of the EnCon  
19     Committee, you get a lot of requests on different  
20     legislation. And, you know, my colleagues, I  
21     mean, this is really a no-brainer. I mean, if  
22     you take a look at the facts and who actually  
23     supports this legislation, it's a no-brainer.

24            LNG saves trucking companies,  
25     businesses and consumers \$1 to \$3 less per gallon

1     than diesel. As Senator Maziarz has stated,  
2     there are trucking companies like UPS and FedEx  
3     that want to actually switch from diesel to LNG.

4             It's safe. It's stored at 260  
5     degrees below zero, so if it's spilled -- I don't  
6     know if you guys know this -- it actually  
7     vaporizes. It can't explode because it doesn't  
8     have any flammable components with regards to  
9     it.

10            There are economic development  
11    projects pending right now in current companies  
12    that can benefit from this legislation. I have  
13    no idea what the Assembly is thinking of. There  
14    is literally no opposition to this legislation.  
15    And as chair of the EnCon Committee, I can't  
16    fathom why it sits there without moving forward  
17    to the benefit of creating hundreds if not  
18    thousands of jobs across New York State. In  
19    Western New York, there's a Hebel Corporation  
20    in Tonawanda that employs 300 people. They  
21    actually manufacture and make these tanks. They  
22    could expand ten times.

23            So the point is, based on reducing  
24    emissions, safe to consumers, it's a no-brainer.  
25    I vote aye, Madam President. I urge all my

1 colleagues to do it as well.

2 I urge the Assembly, if they could  
3 do it tonight, please get it on the floor.  
4 You're costing thousands of jobs here.

5 ACTING PRESIDENT SAVINO: Senator  
6 Grisanti to be recorded in the affirmative.

7 Senator O'Mara to explain his vote.

8 SENATOR O'MARA: Thank you, Madam  
9 President.

10 I rise in support of this  
11 legislation and to thank Senator Maziarz for his  
12 leadership on this issue and his staff for their  
13 great assistance in moving this forward.

14 If we want to do something in  
15 New York State for economic development that we  
16 all talk about, creating jobs -- and we're going  
17 to take up a package a little later on tonight  
18 about the START-UP NY program that's going to  
19 provide tax-free zones. Because we need those in  
20 New York because we're so uncompetitive.

21 This issue here alone, LNG, we're  
22 the only state in the country that doesn't allow  
23 it. Right now you can drive a tractor trailer  
24 operated by liquid natural gas towing a container  
25 full of liquid natural gas across our state under



1 interstate commerce and guidelines of the federal  
2 government. This is all this is going to allow  
3 us to do in this state.

4 We're going to have LNG filling  
5 stations, without this, all along our border of  
6 the state so that trucks can fill up and do their  
7 commerce. And we've got fleets of trucks in this  
8 state with companies that want to convert their  
9 fleets to this cleaner burning, cheaper energy.

10 We want to do something for economic  
11 development? This is a great idea. This will  
12 create jobs, it will create construction jobs,  
13 cheaper jobs for trucking. And it's going to  
14 help a manufacturer in my district that will be  
15 building these conversion stations that will  
16 result in 50 to 75 jobs this year alone,  
17 expanding to 100 to 200 jobs to carry that  
18 forward.

19 And this is an industry that does  
20 not require incentives. There's no incentives  
21 here. There's no handouts for corporations.  
22 These are jobs that will be created because these  
23 are needed in our economy.

24 We want to do something for our  
25 economy? We need to pass this and move forward

1 with it to create jobs in New York State.

2 Thank you.

3 ACTING PRESIDENT SAVINO: Senator  
4 O'Mara to be recorded in the affirmative.

5 Senator Parker to explain his vote.

6 SENATOR PARKER: Thank you, Madam  
7 President. To explain my vote.

8 Let me first begin by thanking  
9 Senator Maziarz for his leadership on this  
10 important bill. You know, the wave of the future  
11 in terms of energy is really alternative energy.  
12 Right now most of our energy is produced by coal  
13 plants that produce a lot of emissions, a lot of  
14 particles in the air that create asthma and other  
15 kinds of respiratory problems in many of our  
16 communities.

17 Until we get to a place where we in  
18 fact are really relying 90 percent, you know, on  
19 wind and tidal power and solar, this is going to  
20 be the stopgap energy that we're going to use,  
21 which is liquefied natural gas.

22 And so as you've heard from my  
23 colleagues, it has economic development  
24 benefits. But it's also going to reduce  
25 greenhouse effects, lower our carbon footprint,

1 create jobs, and also lower the fuel bills of our  
2 constituents.

3 I vote aye on this, and I encourage  
4 my colleagues to vote aye as well.

5 ACTING PRESIDENT SAVINO: Senator  
6 Parker to be recorded in the affirmative.

7 Senator Avella to explain his vote.

8 SENATOR AVELLA: Thank you, Madam  
9 President.

10 I wasn't actually going to get up  
11 and speak on this bill, but my colleague Senator  
12 Grisanti mentioned that there's no opposition to  
13 the bill. And I just wanted to read into the  
14 record environmental organizations that are in  
15 opposition.

16 Catskill Citizens for Safe Energy,  
17 Catskill Mountainkeeper, Citizen Action of  
18 New York, Delaware Riverkeeper Network,  
19 Environmental New York, Food and Water Watch,  
20 Frack Action, Grassroots Environmental Education,  
21 NYPIRG, Riverkeeper, United for Action, Western  
22 New York Drilling Defense, and the Sierra Club.

23 Thank you, Madam President.

24 ACTING PRESIDENT SAVINO: Senator  
25 Avella to be recorded in the negative?

1                   SENATOR AVELLA:    I vote in the  
2     negative.

3                   ACTING PRESIDENT SAVINO:    Senator  
4     Avella in the negative.

5                   Announce the results.

6                   THE SECRETARY:    Those Senators  
7     recorded in the negative on Calendar Number 1580  
8     are Senators Adams, Addabbo, Avella, Espaillat,  
9     Gianaris, Gipson, Hoylman, Krueger, Latimer,  
10    LaValle, O'Brien, Perkins, Rivera, Sanders,  
11    Serrano, Squadron, Stewart-Cousins and Tkaczyk.  
12    Also Senator Stavisky.

13                  Ayes, 44.   Nays, 19.

14                  ACTING PRESIDENT SAVINO:    The bill  
15     is passed.

16                  Senator Maziarz, that completes the  
17     noncontroversial reading of Senate Supplemental  
18     Calendar 57B.

19                  SENATOR MAZIARZ:    Thank you very  
20     much, Madam President.   At this time could we  
21     take up the controversial reading of Calendar  
22     Number 57B.

23                  ACTING PRESIDENT SAVINO:    The  
24     Secretary will proceed with the controversial  
25     reading of Supplemental Calendar 57B.

1                   THE SECRETARY:    Calendar Number  
2   1576, by Senator Golden, Senate Print 1958C, an  
3   act to amend the Tax Law.

4                   SENATOR KRUEGER:   Explanation.

5                   SENATOR MAZIARZ:   Before we do  
6   that, Madam President, can we just ring the bells  
7   to let the members know that we're going to be  
8   voting very shortly.

9                   ACTING PRESIDENT SAVINO:   The  
10   Secretary will ring the bells. We ask all the  
11   members to return to the chamber.

12                   Senator Golden, an explanation has  
13   been requested.

14                   SENATOR GOLDEN:   Thank you, Madam  
15   President.

16                   This is the CMSA, the Cigarette  
17   Marketing Standard Act, where we are adding  
18   7 cents to a pack of cigarettes here in New York  
19   State. Three cents will go to the stamping  
20   agent, the wholesaler, and 4 cents will go to an  
21   enforcement account that will be controlled by  
22   the Comptroller and the Governor of the State of  
23   New York to go after the counterfeit cigarettes  
24   that are up and down the State of New York.

25                   I don't have to tell anybody here,

1 several weeks ago you seen a Palestinian cell  
2 that was arrested, 16 of them, from Virginia up  
3 through New York. I personally know some of the  
4 investigators that were on that case. There were  
5 millions and millions of dollars stacked in these  
6 homes. They confiscated them in Maryland and  
7 Virginia, and here in New York City, in Brooklyn  
8 and Bay Ridge, several of those members were  
9 arrested and their homes were entered and  
10 evidence was taken. Those 16 individuals were  
11 arrested because of the Attorney General in the  
12 State of New York here and because of the feds.

13 If we were to walk into any number  
14 of stores across Brooklyn, Queens, pick any one  
15 of them, after 5 o'clock at night you'll find  
16 that many of these stores are selling counterfeit  
17 cigarettes. So these 4 cents a pack would allow  
18 us to go after them by setting up this fund.

19 Just to give you an idea, several  
20 years ago -- not too long, 2007-2008 -- when we  
21 put this tax into effect on the cartons of  
22 cigarettes, we were doing 42 million cartons of  
23 cigarettes in the City of New York. Today we  
24 sell 7 million cartons of cigarettes in the City  
25 of New York. I know a lot of people stopped

1 smoking, but I think realistically we know  
2 there's a lot of counterfeit cigarettes going  
3 into the City and into the State of New York.

4 Also, there's about seven to eight  
5 companies here in the City of New York that do  
6 their wholesale and deliver these cigarettes.  
7 That's about 2,000 jobs, Teamster jobs here in  
8 the State of New York. We are trying to maintain  
9 that industry here in the State of New York, and  
10 it's becoming more and more difficult.

11 This is an agreed-upon with the  
12 Governor and with the Assembly, and hopefully I  
13 can get the support of my colleagues here to move  
14 this bill.

15 ACTING PRESIDENT SAVINO: Senator  
16 Krueger.

17 SENATOR KRUEGER: Through you,  
18 Madam President, if the sponsor would yield to  
19 some questions.

20 ACTING PRESIDENT SAVINO: Senator  
21 Golden, do you yield?

22 SENATOR GOLDEN: Yes, I do, Madam  
23 President.

24 ACTING PRESIDENT SAVINO: Senator  
25 Golden yields.

1                   SENATOR KRUEGER:    Thank you.

2                   I have to say I think it was because  
3   there were many different versions of the bill,  
4   with the math continually changing.  So we were  
5   up to almost 17 cents in one of the versions, but  
6   now we're down to a new 4 cents per pack.  Is  
7   that correct?

8                   SENATOR GOLDEN:    It's 7 cents.  
9   Four cents for enforcement, 3 cents to the taxing  
10  agent.

11                  SENATOR KRUEGER:    Through you,  
12  Madam President, if the sponsor would continue to  
13  yield.

14                  ACTING PRESIDENT SAVINO:    Senator  
15  Golden, do you continue to yield?

16                  SENATOR GOLDEN:    I do, Madam  
17  President.

18                  ACTING PRESIDENT SAVINO:    Senator  
19  Golden yields.

20                  SENATOR KRUEGER:    So without this  
21  law, the stamping agents get 2 cents per pack,  
22  but with this law they net 5 cents per pack; am I  
23  correct?

24                  SENATOR GOLDEN:    That's correct.  
25  The last time they got a raise is about 1996,



1 they got 2 cents a pack for cigarettes for the  
2 handling fee.

3 So it's the cost of doing business  
4 over the last number of years, I don't have to  
5 tell you. I don't know the last time we got a  
6 raise here in the State Senate, but that goes  
7 back to about 1999. Again, it's a long time,  
8 Senator.

9 SENATOR KRUEGER: Through you,  
10 Madam President, if the sponsor would continue to  
11 yield.

12 ACTING PRESIDENT SAVINO: Senator  
13 Golden?

14 SENATOR GOLDEN: I do, Madam  
15 President.

16 SENATOR KRUEGER: So they're going  
17 from 2 cents to 5 cents being paid per pack. Are  
18 they doing anything new for that money? What's  
19 going on that's different that they jump that  
20 high?

21 SENATOR GOLDEN: Pardon me? Could  
22 you please have Senator Krueger repeat the  
23 question?

24 ACTING PRESIDENT SAVINO: Senator  
25 Krueger, could you please repeat the question?

1                   SENATOR KRUEGER:   Certainly.

2                   So my understanding is they go from  
3   being paid 2 cents per pack to 5 cents per pack,  
4   which is estimated I believe to be net  
5   \$10 million in new revenue for these companies.  
6   What additional things are they doing, since  
7   they're going to be paid all this additional  
8   money?

9                   SENATOR GOLDEN:   Well, I do believe  
10   that over the last number of years we've seen the  
11   price of Con Edison gas, electric, telephone,  
12   we've seen the cost of jobs, the pensions, health  
13   benefits, we've seen that go up. We've seen the  
14   price of gasoline, the price of maintaining a  
15   fleet of trucks, the maintenance of buildings,  
16   that's all increased much more than the dollars  
17   that we're asking for here, Madam President.

18                  SENATOR KRUEGER:   Through you,  
19   Madam President, if the sponsor would continue to  
20   yield.

21                  ACTING PRESIDENT SAVINO:   Senator  
22   Golden, do you continue to yield?

23                  SENATOR GOLDEN:    I do, Madam  
24   President.

25                  SENATOR KRUEGER:    Thank you.

1                   So before, I said that I thought  
2                   this was \$10 million of new revenue to them, but  
3                   then I have some other notes that lead me to  
4                   believe it's actually \$13 million in new money to  
5                   them because of the way the monies are paid in,  
6                   the stamping agencies getting a float on the  
7                   money the way it comes in and goes out.

8                   So would the sponsor agree that in  
9                   fact the money generated for the stamping agents  
10                  is an additional \$13 million if this law goes  
11                  through?

12                  SENATOR GOLDEN:     No, Madam  
13                  President, I do not. I believe that the -- there  
14                  is notes in the bill that show that the 4 cents a  
15                  pack of cigarettes will garner somewhere around  
16                  \$6 million for the enforcement piece of this  
17                  legislation.

18                  But I will tell you that a number of  
19                  these companies have closed and left the State of  
20                  New York because they cannot afford to do  
21                  business. We have North Carolina that is after  
22                  one of the companies in Long Island that has  
23                  between 400 to 500 employees. That's just one of  
24                  the several companies that are still left here  
25                  are collecting this tax.

1                   They collect about \$2 billion in  
2                   taxes for the State of New York. They're a  
3                   bonding agent and collect that money for the  
4                   State of New York. And we are losing those jobs  
5                   and those businesses. So the increase is needed  
6                   so that those companies can stay and do  
7                   business.

8                   We talk about economic development.  
9                   Economic development is very important, picking  
10                  up new jobs, but we have to find a way of keeping  
11                  and maintaining the jobs that we have here. And  
12                  that I think goes a long way in doing that, Madam  
13                  President.

14                 SENATOR KRUEGER: Through you,  
15                 Madam President, if the sponsor would continue to  
16                 yield.

17                 ACTING PRESIDENT SAVINO: Senator  
18                 Golden, do you continue to yield?

19                 SENATOR GOLDEN: I do, Madam  
20                 President.

21                 ACTING PRESIDENT SAVINO: He  
22                 yields.

23                 SENATOR KRUEGER: I appreciate the  
24                 sponsor highlighting that there are companies who  
25                 are talking about leaving New York and that there

1 are companies in other states. My understanding  
2 is that actually quite a few of these wholesale  
3 stamping agents are based in Pennsylvania,  
4 Massachusetts, Vermont, Connecticut and Maine.

5 So is there a way for us to ensure  
6 that this new money actually goes to New York  
7 workers rather than outsourcing this business?

8 SENATOR GOLDEN: The object of the  
9 game here, Madam President, is to make sure that  
10 we maintain the companies that we have here in  
11 the State of New York.

12 As I said, we have lost many of  
13 these companies because it is impossible for them  
14 to compete with the cost of doing business here.  
15 So this would allow those companies to stay, not  
16 to allow for this increase to go to these  
17 companies. We can be pretty sure that those  
18 companies will go to North Carolina, they will go  
19 to New Jersey and to Vermont and to Pennsylvania,  
20 because they won't be able to do business here.  
21 And we will lose those 2,000 jobs that were  
22 New York jobs. Somebody else will get them, but  
23 New York will not have them.

24 So I think it's an important piece  
25 of legislation to keep those jobs here, to keep

1     that economic development here. And by putting  
2     that 4 cents onto the portion that the  
3     counterfeit cigarettes -- we're actually going to  
4     go after the bad guys and actually get  
5     cigarettes, the money that's now being avoided,  
6     actually new monies coming in because of the  
7     enforcement piece. So that we'll actually pick  
8     up sales tax coming and cigarette tax coming  
9     into the State of New York.

10                 SENATOR KRUEGER:     Madam President,  
11     through you, if the sponsor would continue to  
12     yield.

13                 ACTING PRESIDENT SAVINO:     Senator  
14     Golden, do you continue to yield?

15                 SENATOR GOLDEN:     I do, Madam  
16     President.

17                 SENATOR KRUEGER:     So I'll bring his  
18     attention to Section 5 of his bill: "There is  
19     hereby appropriated to the Division of State  
20     Police the amount of \$6 million from the  
21     cigarette tax enforcement account to support  
22     cigarette tax enforcement activities." And I  
23     skipped a section, "No money shall be available  
24     from this appropriation absent a certificate of  
25     allocation from the Director of the Budget."

1 Does this require the State of  
2 New York to come up with \$6 million out of our  
3 budget for this? There's no transfer language.  
4 So I'm confused.

5 SENATOR GOLDEN: Yes, Madam  
6 President, if I understand the question  
7 correctly, is the \$6 million -- what is that  
8 \$6 million and how is it going to be utilized.

9 That \$6 million is the money that we  
10 will collect on the 4 cents on the pack of  
11 cigarettes that will be used for the  
12 enforcement. And that's the money we will take  
13 in this year and put that money towards  
14 enforcement, that \$6 million.

15 SENATOR KRUEGER: Through you,  
16 Madam President, if the sponsor would continue to  
17 yield.

18 SENATOR GOLDEN: Yes, Madam  
19 President.

20 SENATOR KRUEGER: So we are asking  
21 Budget to advance money that then we anticipate  
22 getting back from this fund at a later date; is  
23 that correct?

24 SENATOR GOLDEN: Madam President,  
25 that's not what I said. This is an allocation

1     that allows us to spend the money that comes in  
2     from the enforcement of those cigarettes.

3                 SENATOR KRUEGER:     Through you,  
4     Mr. President, if the sponsor would continue to  
5     yield.

6                 SENATOR GOLDEN:     Yes, Madam  
7     President.

8                 ACTING PRESIDENT SAVINO:     Senator  
9     Golden yields.

10                SENATOR KRUEGER:     Thank you.

11                So perhaps, as I understand it, the  
12     enforcement doesn't start to happen until the  
13     fund fills up with the \$6 million, which could  
14     then perhaps be next year, not in this year. Am  
15     I understanding that right?

16                SENATOR GOLDEN:     Madam President,  
17     the money will be coming in on a steady --  
18     cigarettes are sold and bought each and every  
19     day. That money is turned over to the state, and  
20     that money will be utilized as the money comes  
21     in.

22                And I think, again, it's an  
23     important piece of this legislation that we go  
24     after the counterfeit cigarettes. There's nobody  
25     out there going after it. We have 17 deputy



1 sheriffs that have been assigned across the State  
2 of New York to collect the -- and go in to check  
3 to see on counterfeit cigarettes. That is not  
4 enough people in a state of this size, 19 million  
5 people, to have 17 sheriffs doing this. We need  
6 more, and this would allow them that money to do  
7 that.

8 SENATOR KRUEGER: Through you,  
9 Madam President, if the sponsor would continue to  
10 yield.

11 ACTING PRESIDENT SAVINO: Senator  
12 Golden, do you yield?

13 SENATOR GOLDEN: Certainly, Madam  
14 President.

15 ACTING PRESIDENT SAVINO: Senator  
16 Golden yields.

17 SENATOR KRUEGER: Thank you.

18 So this would provide new money for  
19 enforcement from a new division. What would  
20 happen to the revenue the state now gives to Tax  
21 and Finance for the enforcement that they are  
22 doing? It may be inadequate, but are we getting  
23 that money back?

24 Or is this going to have two  
25 different systems, the new enforcement fund

1 system and then the funds Tax and Finance  
2 currently have and use through the existing  
3 system? Which I respect the sponsor thinks is  
4 inadequate.

5 SENATOR GOLDEN: Madam President,  
6 nothing is going to change. This is just going  
7 to be an added tool.

8 SENATOR KRUEGER: Through you,  
9 Madam President, if the sponsor could continue to  
10 yield, please.

11 ACTING PRESIDENT SAVINO: Senator  
12 Golden?

13 SENATOR GOLDEN: Certainly, Madam  
14 President.

15 SENATOR KRUEGER: So the new unit  
16 would in fact be the old unit with more money in  
17 it available?

18 SENATOR GOLDEN: This money I  
19 understand is being utilized by the State  
20 Police. They will assign people to that, to go  
21 out and do other work, as this unit will be  
22 assigned to go out and collect the tax dollars on  
23 those counterfeit cigarettes and to arrest the  
24 people that are circulating those counterfeit  
25 cigarettes.

1                   SENATOR KRUEGER:    Through you,  
2   Madam President, if the sponsor would continue to  
3   yield.

4                   SENATOR GOLDEN:    Yes, Madam  
5   President.

6                   ACTING PRESIDENT SAVINO:    Senator  
7   Golden yields.

8                   SENATOR KRUEGER:    Thank you.

9                   Am I right in my recollections that  
10   this was attempted as a proposal in the budget  
11   but was rejected? And could I ask why it was  
12   rejected as a proposed section of the budget a  
13   few months ago?

14                  SENATOR GOLDEN:    Madam President,  
15   as I said in my statement, this is an agreed-upon  
16   with the Finance, with the Governor of the State  
17   of New York, and with the Assembly. So this is  
18   agreed upon.

19                  SENATOR KRUEGER:    Through you,  
20   Madam President, we've been here for many days.  
21   Do we know if it's passed the Assembly?

22                  Excuse me. Through you, Madam  
23   President, does the sponsor know if this has  
24   passed the Assembly?

25                  ACTING PRESIDENT SAVINO:    Senator

1 Golden.

2 SENATOR GOLDEN: Madam President,  
3 the Assembly is waiting with bated breath for  
4 this bill so that they can pass it. It is high  
5 in the Assembly.

6 SENATOR KRUEGER: Madam President,  
7 I will speak on the bill.

8 ACTING PRESIDENT SAVINO: Senator  
9 Krueger on the bill.

10 SENATOR GOLDEN: Thank you, Madam  
11 President. Thank you, Senator Krueger.

12 SENATOR KRUEGER: Thank you.

13 I want to thank Senator Golden for  
14 his answers to my questions.

15 I think it is a complicated bill, if  
16 not a complicated issue. It raises all kinds of  
17 questions about do we have the right system of  
18 stamping cigarettes in the first place, since we  
19 haven't changed it in 40 years.

20 I agree with my colleague that there  
21 is a serious problem with black-market  
22 cigarettes, people violating our laws. There is  
23 enormous confusion over the process by which who  
24 can buy cigarettes and who cannot on Native  
25 American reservations in this state. There is

1     qualification over where do cigarettes come  
2     from.

3                     I know in New York City, and I know  
4     that my colleague knows this also, we have a real  
5     problem with both counterfeit cigarettes coming  
6     by boat, so they are advertised as one cigarette  
7     but they're not actually that brand; we have a  
8     problem of cigarettes sneaking in that might  
9     actually not be counterfeit but they are not  
10    being taxed. We have trucks coming across the  
11    borders and selling them out of the back of the  
12    truck for lower costs.

13                    And truthfully, I actually think  
14    anything that increases the price of cigarettes  
15    probably is good, because it discourages people  
16    from smoking. But I'm also concerned that we are  
17    increasing a payment to a specific group of  
18    companies that may not even be here in New York,  
19    but we're not actually getting to the heart of  
20    the problems we are facing. Although it's hard  
21    for me to argue against wanting more enforcement  
22    available to work on the issue.

23                    And yet it's not clear to me how  
24    this bill gets us there. So in fact if it passes  
25    both houses and the Governor signs it, I look

1 forward to seeing what worked and what didn't  
2 work in the future, because I think we will need  
3 to go further and perhaps in a different  
4 direction.

5 But for now, I'm not sure that we're  
6 not just ensuring certain companies get a lot  
7 more money without necessarily doing that much to  
8 help address the fundamental problems we are  
9 having in our state. So I will be voting no,  
10 with appreciation to the sponsor for giving me  
11 the time to try to help me understand the bill  
12 better.

13 Thank you, Madam President.

14 ACTING PRESIDENT SAVINO: Senator  
15 Krueger to be recorded in the negative.

16 Ring the bells. Read the last  
17 section.

18 THE SECRETARY: Section 6. This  
19 act shall take effect September 1st.

20 ACTING PRESIDENT SAVINO: Call the  
21 roll.

22 (The Secretary called the roll.)

23 SENATOR SKELOS: Madam President.

24 ACTING PRESIDENT SAVINO: Senator  
25 Skelos.

1                   SENATOR SKELOS:    If I could explain  
2   my vote, I'm going to be supportive of this  
3   legislation because of the fact that it  
4   establishes a cigarette tax enforcement act,  
5   which I believe is critically important for a  
6   number of reasons.

7                   Number one, over the years we've had  
8   many conversations in this chamber about illegal  
9   cigarettes, untaxed cigarettes that come into  
10  this state or are distributed through this  
11  state.  The State of New York loses hundreds of  
12  millions of dollars every year on tax revenues  
13  because of these bootleg cigarettes.

14                  The money that will go to this  
15  enforcement account is intended, as Senator  
16  Golden indicated, to beef up the police that are  
17  necessary in order to enforce the laws of the  
18  State of New York and to collect these revenues.

19                  There's also been many studies  
20  lately that much of this money that's coming in  
21  from bootleg cigarettes goes directly to those  
22  who commit terrorism in our city, our state, and  
23  our country.

24                  Therefore, Madam President, I will  
25  be supporting this legislation.

1                   ACTING PRESIDENT SAVINO:    Senator  
2   Skelos to be recorded in the affirmative.

3                   Senator Zeldin to explain his vote.

4                   SENATOR ZELDIN:    Yeah, I've spent a  
5   lot of time studying this particular issue.  We  
6   have a distributor on Long Island.

7                   And the fact is is that the cost to  
8   do business right now has just gone up one year  
9   after another year.  And when you have a  
10   distributor who's paying \$70,000 a month in  
11   energy taxes and the property taxes and the  
12   healthcare costs and the insurance costs -- with  
13   all of the costs to do business, I don't know why  
14   there's a problem with making a profit in  
15   New York State.

16                  You know what we're doing?  We're  
17   chasing out all the distributors.  They're  
18   leaving New York, and they're going to other  
19   states, because they can't afford to do business  
20   here.

21                  So when the State of Kentucky tries  
22   to get this Long Island distributor and they're  
23   offering all of the -- you know, they're not  
24   paying property taxes, they're paying for the  
25   move down, they're selling their building form



1 here in New York -- all of the right incentives  
2 to move our businesses out of state. What kind  
3 of a message are we sending to our own  
4 distributors who, one after another after  
5 another, are leaving, with hundreds of jobs at a  
6 time?

7                   So 2 cents. While the cost of doing  
8 business has gone up and gone up and gone up, why  
9 is government telling that distributor they can't  
10 make a profit? We're choking them and chasing  
11 them out of this state. It sends a wrong message  
12 to businesses in New York State, it sends a wrong  
13 message to our distributors. And it's a really  
14 bad precedent. We're losing jobs. This is not a  
15 tax from the state, this is allowing the  
16 distributors to receive a 5-cent handling fee  
17 instead of a 2-cent handling fee.

18                   I would strongly encourage my  
19 colleagues to consider what we are doing to  
20 distributors right now in the State of New York.  
21 They're leaving our state, and this is only going  
22 to contribute to it. We're losing jobs if we do  
23 not do this legislation. I've studied this issue  
24 a lot. We are going to lose jobs if we don't do  
25 this bill.

1                   ACTING PRESIDENT SAVINO:    Senator  
2   Zeldin to be recorded in the affirmative.

3                   Announce the results.

4                   THE SECRETARY:    Those recorded in  
5   the negative on Calendar 1576 are Senators Adams,  
6   Avella, Ball, Breslin, Espaillat, Gianaris,  
7   Gipson, Grisanti, Hassell-Thompson, Hoylman,  
8   Krueger, Latimer, Marchione, Montgomery,  
9   Nozzolio, O'Brien, Parker, Peralta, Perkins,  
10   Rivera, Sanders, Serrano, Squadron, Stavisky,  
11   Stewart-Cousins and Tkaczyk.

12                  Those absent from voting:   Senator  
13   Sampson.

14                  Ayes, 35.   Nays, 26.

15                  ACTING PRESIDENT SAVINO:    The bill  
16   is passed.

17                  Senator Maziarz, that completes the  
18   controversial reading of Calendar 57B.

19                  SENATOR MAZIARZ:    Madam President,  
20   could we please return to the noncontroversial  
21   reading of Senate Supplemental Calendar Number  
22   57A.

23                  ACTING PRESIDENT SAVINO:    The  
24   Secretary will return to Supplemental Calendar  
25   57A, noncontroversial.   Where we will begin with

1 Calendar Number 1590 in the previous calendar, if  
2 we're following along at home.

3 And I'm handing it off to Senator  
4 Valesky.

5 ACTING PRESIDENT VALESKY: Thank  
6 you.

7 The Secretary will read.

8 THE SECRETARY: In relation to  
9 Calendar Number 1590, Senator Bonacic moves to  
10 discharge, from the Committee on Rules, Assembly  
11 Bill Number 8101 and substitute it for the  
12 identical Senate Bill 5883, Third Reading  
13 Calendar 1590.

14 ACTING PRESIDENT VALESKY:  
15 Substitution ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number  
18 1590, by Member of the Assembly Pretlow, Assembly  
19 Print Number 8101, an act to amend the Racing,  
20 Pari-Mutuel Wagering and Breeding Law.

21 SENATOR GIANARIS: Lay it aside.

22 ACTING PRESIDENT VALESKY: The bill  
23 is laid aside.

24 THE SECRETARY: In relation to  
25 Calendar Number 1591, Senator Libous moves to

1 discharge, from the Committee on Rules, Assembly  
2 Bill Number 8113 and substitute it for the  
3 identical Senate Bill Number 5903, Third Reading  
4 Calendar 1591.

5 ACTING PRESIDENT VALESKY:  
6 Substitution ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 1591, by Member of the Assembly Silver, Assembly  
10 Print Number 8113, an act to amend the Economic  
11 Development Law.

12 ACTING PRESIDENT VALESKY: Read the  
13 last section.

14 Senator Maziarz.

15 SENATOR MAZIARZ: Mr. President, is  
16 there a message of necessity at the desk?

17 ACTING PRESIDENT VALESKY: There is  
18 a message of necessity at the desk.

19 SENATOR MAZIARZ: I move that we  
20 accept the message of necessity.

21 ACTING PRESIDENT VALESKY: All in  
22 favor of accepting the message from the Governor  
23 signify by saying aye.

24 (Response of "Aye.")

25 ACTING PRESIDENT VALESKY: Opposed,

1     nay.

2                     (Response of "Nay.")

3                     ACTING PRESIDENT VALESKY:     The  
4     message is accepted.

5                     Read the last section.

6                     SENATOR GIANARIS:     Lay it aside.

7                     ACTING PRESIDENT VALESKY:     The bill  
8     is laid aside.

9                     THE SECRETARY:     In relation to  
10    Calendar Number 1592, Senator Bonacic moves to  
11    discharge, from the Committee on Rules, Assembly  
12    Bill Number 8112 and substitute it for the  
13    identical Senate Bill Number 5904, Third Reading  
14    Calendar 1592.

15                    ACTING PRESIDENT VALESKY:  
16    Substitution ordered.

17                    The Secretary will read.

18                    THE SECRETARY:     Calendar Number  
19    1592, by Member of the Assembly Pretlow, Assembly  
20    Print 8112, an act to amend the Racing,  
21    Pari-Mutuel Wagering and Breeding Law.

22                    ACTING PRESIDENT VALESKY:     Senator  
23    Maziarz.

24                    SENATOR MAZIARZ:     Mr. President, is  
25    there a message of necessity at the desk?

1           ACTING PRESIDENT VALESKY:    There is  
2   a message at the desk.

3           SENATOR MAZIARZ:    I move that we  
4   accept the message of necessity.

5           ACTING PRESIDENT VALESKY:    All in  
6   favor of accepting the message from the Governor  
7   signify by saying aye.

8                               (Response of "Aye.")

9           ACTING PRESIDENT VALESKY:    Opposed,  
10   nay.

11                              (Response of "Nay.")

12           ACTING PRESIDENT VALESKY:    The  
13   message of necessity from the Governor is  
14   accepted.

15                              Read the last section.

16           THE SECRETARY:    Section 21.  This  
17   act shall take effect on the same date and in the  
18   same manner as a chapter of the Laws of 2013.

19           ACTING PRESIDENT VALESKY:    Call the  
20   roll.

21                              (The Secretary called the roll.)

22           ACTING PRESIDENT VALESKY:    Announce  
23   the results.

24           THE SECRETARY:    Those recorded in  
25   the negative on Calendar 1592 are Senators Diaz,

1     Espaillat, Hoylman, Krueger, LaValle, Nozzolio,  
2     Parker, Perkins and Sanders.

3                     Ayes, 54.   Nays, 9.

4                     ACTING PRESIDENT VALESKY:    The bill  
5     is passed.

6                     THE SECRETARY:    Calendar Number  
7     1593, by Senator Savino, Senate Print 5852, an  
8     act to amend Chapter 74 of the Laws of 2007.

9                     ACTING PRESIDENT VALESKY:    Read the  
10    last section.

11                    THE SECRETARY:    Section 2.   This  
12    act shall take effect immediately.

13                    ACTING PRESIDENT VALESKY:    Call the  
14    roll.

15                    (The Secretary called the roll.)

16                    THE SECRETARY:    Ayes, 63.

17                    ACTING PRESIDENT VALESKY:    The bill  
18    is passed.

19                    THE SECRETARY:    In relation to  
20    Calendar Number 1594, Senator Bonacic moves to  
21    discharge, from the Committee on Rules, Assembly  
22    Bill Number 8068 and substitute it for the  
23    identical Senate Bill Number 5898, Third Reading  
24    Calendar 1594.

25                    ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 1594, by Member of the Assembly Pretlow, Assembly  
5 Print 8068, Concurrent Resolution of the Senate  
6 and Assembly.

7 ACTING PRESIDENT VALESKY: The  
8 Senate Bill is high. The Assembly Bill is live.

9 Call the roll.

10 (The Secretary called the roll.)

11 ACTING PRESIDENT VALESKY: Senator  
12 Krueger to explain her vote.

13 SENATOR KRUEGER: Thank you,  
14 Mr. President.

15 Just confirming that this would be  
16 the second passage of the concurrent resolution  
17 to allow casino gambling in the state. Just to  
18 confirm, is that correct?

19 ACTING PRESIDENT VALESKY: Yes.

20 SENATOR KRUEGER: Yes, thank you.

21 Mr. President, I will be voting no.

22 I look forward to debating the actual casino  
23 bill, but I personally have many questions and  
24 many concerns about the bill that is no doubt  
25 coming to the floor soon for discussion and



1 debate.

2                   And I do feel that the State of  
3 New York would be rushing to pass the second  
4 concurrent resolution, moving it to referendum of  
5 the public at this time. So I'm urging people to  
6 vote no to give us all more time to realize what  
7 we might be doing if we pass the casino bill  
8 tonight and the second passage of the concurrent  
9 resolution.

10                   Thank you, Mr. President.

11                   ACTING PRESIDENT VALESKY:    Senator  
12 Krueger in the negative.

13                   Announce the results.

14                   ACTING PRESIDENT SAVINO:    Those  
15 recorded in the negative on Calendar Number 1594  
16 are Senators Diaz, Espaillat, Hoylman, Krueger,  
17 LaValle, Parker and Perkins.

18                   Ayes, 56.   Nays, 7.

19                   ACTING PRESIDENT VALESKY:    The  
20 Concurrent Resolution is adopted.

21                   THE SECRETARY:    Also Senator  
22 Sanders in the negative.

23                   Ayes, 55.   Nays, 8.

24                   ACTING PRESIDENT VALESKY:    The  
25 Concurrent Resolution is adopted.

1                   Senator Maziarz, that concludes the  
2 noncontroversial reading of Senate Supplemental  
3 Calendar 57A.

4                   SENATOR MAZIARZ:    Thank you very  
5 much, Mr. President.

6                   Mr. President, could we now do the  
7 controversial reading of Senate Supplemental  
8 Calendar Number 57A and start with Calendar  
9 Number 1585, by Senator Robach.

10                  ACTING PRESIDENT VALESKY:    The  
11 Secretary will ring the bells and place  
12 Calendar Number 1585 before the Senate on the  
13 controversial calendar.

14                  THE SECRETARY:    Calendar Number  
15 1585, by Senator Robach, Senate Print 5876, an  
16 act to amend the Real Property Law.

17                  SENATOR TKACZYK:    Explanation.

18                  ACTING PRESIDENT VALESKY:    Senator  
19 Robach, an explanation has been requested from  
20 Senator Tkaczyk.

21                  SENATOR ROBACH:    Yes,  
22 Mr. President.

23                  Certainly any time that violence  
24 occurs, it's abhorrent. I think that oftentimes  
25 when that violence comes from a loved one,

1 someone you trust, in your own home, it may in  
2 fact be even more egregious if not as equal.

3 We've passed a number of bills  
4 dealing with domestic violence; even in my days  
5 in the Public Safety Department, worked on this  
6 for a long time. This bill would simply make it  
7 easier. There's a lot of measures, from orders  
8 of protection to money we've put into  
9 organizations like the one in Rochester,  
10 Alternatives for Battered Women for temporary  
11 shelter. This bill would go down that continuum  
12 to make it easier for women who need to move out  
13 of that violent situation -- or any abused  
14 person, for that matter, out of that situation  
15 and make it illegal for anyone to discriminate on  
16 them trying to find housing as they move and try  
17 to improve their lives anywhere in New York  
18 State.

19 SENATOR TKACZYK: Would the sponsor  
20 yield for questions.

21 ACTING PRESIDENT VALESKY: Senator  
22 Robach, do you yield?

23 SENATOR ROBACH: I certainly will,  
24 Mr. President.

25 ACTING PRESIDENT VALESKY: The

1 sponsor yields.

2 SENATOR TKACZYK: Thank you,  
3 Senator Robach.

4 This plank is called "Ending Housing  
5 Discrimination Against Domestic Violence  
6 Victims." Could you describe -- because it's  
7 different from what I believe the Assembly passed  
8 in their plank around housing discrimination.  
9 How is this bill different from theirs?

10 SENATOR ROBACH: That would be news  
11 to me if it's different. I was under the  
12 impression that in the whole package of bills  
13 that we passed, that this will be similar to what  
14 will go on in the Assembly. If it isn't, that's  
15 news to me.

16 SENATOR TKACZYK: Well, one of the  
17 aspects of this bill I wanted to talk about --  
18 I'm sorry, will you still yield?

19 SENATOR ROBACH: Absolutely.

20 ACTING PRESIDENT VALESKY: The  
21 sponsor yields.

22 SENATOR TKACZYK: Thank you.

23 One of the aspects in this bill  
24 talks about the source of income as something we  
25 need to make sure people don't get discriminated

1     against if they're looking for housing. And I  
2     thought that there was an earlier version that  
3     was stronger in this area.

4                     And could you explain why this  
5     refers to a task force to look at this issue on  
6     source of income, and what that source of income  
7     is?

8                     SENATOR ROBACH: Certainly. I had  
9     actually passed a bill earlier with a little  
10    different language in it, and I think most of the  
11    people in here supported that, I believe almost  
12    unanimously, that was actually vetoed by the  
13    Executive. This was the result of three-way  
14    negotiation.

15                    And I would say this too. While we  
16    did pass the other bill, I think the task force  
17    hopefully will take a much more holistic approach  
18    too, and not just source of income, but also try  
19    to ensure that people in this category aren't  
20    just kind of resigned to one type of housing, but  
21    may we can look at it more holistically.

22                    And what the task force would  
23    consist of -- I think you asked that also --  
24    would be two members from the Governor, two  
25    experts on housing policy, two local government

1 officials, one from upstate and one from  
2 downstate, two on the recommendation of the  
3 Senate, and two on the recommendation of the  
4 Assembly, to look at the whole viewpoint of  
5 source of income and what type of housing would  
6 be available and try to make that better as  
7 people move on and get away from that dangerous  
8 situation.

9 SENATOR TKACZYK: Would the sponsor  
10 continue to yield.

11 SENATOR ROBACH: Certainly.

12 ACTING PRESIDENT VALESKY: The  
13 sponsor yields.

14 SENATOR TKACZYK: It's important to  
15 protect women from housing discrimination, and  
16 source of income is one of those aspects of it.  
17 It's important to amend the Human Rights Law to  
18 prohibit landlords from discriminating against  
19 tenants based on lawful sources of income. Could  
20 you describe what "sources of income" refers to?

21 SENATOR ROBACH: Yes. What is  
22 paying for the rents, if it's government, if  
23 it's -- whatever it may be. It could even be  
24 alimony, for that matter. Whatever source of  
25 income is paying for rents in the case where the

1 home isn't purchased.

2 But I guess you could do that too  
3 even if someone was purchasing a home. I suppose  
4 someone could look at that source and  
5 discriminate there too. But those would be it.

6 SENATOR TKACZYK: Would the sponsor  
7 continue to yield?

8 SENATOR ROBACH: Yes.

9 SENATOR TKACZYK: You're correct  
10 that we did pass a source-of-income  
11 discrimination bill in 2010, and I believe it was  
12 sponsored by Senator Squadron over here.

13 But the term in that bill refers to  
14 "source of income" as including wages from lawful  
15 employment, child support, alimony, foster care  
16 subsidies, income derived from Social Security or  
17 any form of federal, state or local public  
18 assistance, housing and rental subsidies and  
19 assistance including Section 8 vouchers, savings,  
20 investment and trust accounts and any other  
21 forms, as you said, of lawful income.

22 Are there any other states that  
23 prevent housing discrimination towards women  
24 based on their source of income?

25 SENATOR ROBACH: We also passed a

1 bill in 2009.

2 I am not certain what actually goes  
3 on in other states.

4 SENATOR TKACZYK: Will you continue  
5 to yield?

6 Other states or municipalities  
7 include New Jersey, Massachusetts, Connecticut,  
8 Chicago, Washington, D.C.

9 But are there sections in New York  
10 State or areas in New York State where  
11 municipalities have this law in place where we're  
12 not allowed to discriminate because of their  
13 source of income?

14 SENATOR ROBACH: I am not familiar  
15 with all local and municipal laws.

16 Again, what the goal is here is to  
17 get a three-way agreement to try and outlaw  
18 housing discrimination and again set up a process  
19 to look at that. I can only tell you that the  
20 bill with the language I think you're indicating  
21 you would probably favor was vetoed, I think not  
22 only once but perhaps twice, when we passed that  
23 bill here in this house in '09 and '10. I don't  
24 know if that's your question.

25 But I do think this is certainly a



1 move absolutely in the right direction to do  
2 that. And if local municipalities had those  
3 laws, then there wouldn't even be any need for  
4 state, but I don't know those off the top of my  
5 head in all honesty, Senator Tkaczyk.

6 SENATOR TKACZYK: On the bill,  
7 please.

8 ACTING PRESIDENT VALESKY: Senator  
9 Tkaczyk on the bill.

10 SENATOR TKACZYK: We did pass in  
11 this house a law to prevent housing  
12 discrimination against women based on their  
13 source of income and it was vetoed, but it was  
14 vetoed by the former governor, not the current  
15 governor.

16 And there are towns and  
17 municipalities in New York State that do say that  
18 it's against the law to discriminate against  
19 women because of their source of income. It's  
20 New York City, Nassau County, the towns of  
21 Hamburg, West Seneca, and the City of Buffalo.

22 We're already doing it in parts of  
23 the state. I don't think we need a study. I  
24 think we need to put bills in place that will do  
25 it.

1                   So I would like to congratulate the  
2 Governor for putting this issue forward. Clearly  
3 his initial 10-plank proposal was stronger than  
4 some of the ones we're passing today, and we're  
5 not passing all of them that he proposed.

6                   I will vote aye on this, but I would  
7 encourage us to take a look at this issue, and  
8 rather than a study, move forward and put this in  
9 place. We've passed it before. We have a  
10 governor who's willing to sign it.

11                   I vote aye. Thank you.

12                   ACTING PRESIDENT VALESKY:    Senator  
13 Tkaczyk in the affirmative.

14                   Senator Squadron.

15                   SENATOR SQUADRON:    Thank you very  
16 much.

17                   And I do thank the sponsor for  
18 putting this bill forward. Certainly something  
19 is better than nothing.

20                   What's so disappointing is that this  
21 bill did pass with bipartisan support at a time  
22 when very little was happening in a bipartisan  
23 way in this house. It passed the Assembly and it  
24 was unfortunately and mistakenly, in my view,  
25 vetoed by Governor Paterson.

1           You know, when you look at the  
2   entire Women's Equality Agenda and Women's  
3   Equality Act and you look at all the pieces that  
4   have been discussed before, they really do all  
5   fit with each other. You're talking about taking  
6   pervasive inequity in society and trying to, in a  
7   comprehensive way, deal with it.

8           Certainly the fact that in this  
9   house choice is clearly not going to be part of  
10   what gets sent to the other house as part of that  
11   act is incredibly disappointing, to say the  
12   least.

13           And, you know, I have to say that  
14   we're at a study bill here rather than something  
15   that simply ends source-of-income discrimination  
16   is striking.

17           You know, when you look at the  
18   sources of income that this is most likely to  
19   protect against, women and especially single  
20   mothers tend to be -- are significantly more  
21   likely to be the recipients of the sort of income  
22   that leads to this kind of discrimination.

23           And in fact even in the former  
24   governor's terribly mistaken veto message, he  
25   acknowledges that folks receiving Section 8 and

1 other forms of public assistance have terrible  
2 trouble finding homes. This means that we're  
3 driving folks, including many single parents,  
4 from homes or the possibility of homes into  
5 homelessness, into homeless shelters. Which is  
6 morally unacceptable and fiscally a huge burden.

7           You know, we have the highest  
8 homeless rates we've ever had in the City of  
9 New York. Housing folks in homeless shelters  
10 cost much multiples what it does to help folks  
11 subsidize their own housing. Dealing with  
12 source-of-income discrimination helps deal with  
13 that issue.

14           So this is a disappointing version  
15 of the bill. I do appreciate again the  
16 sponsor in the past has supported the version of  
17 the bill that I still carry, Senate 187, the  
18 version that the Governor talked about. I'm not  
19 questioning the sponsor, because I know he's  
20 convinced on that measure as well as this one.

21           But to my colleagues in this house  
22 and those in the other house, I would urge that  
23 we do full source-of-income discrimination this  
24 year, now. And to my colleagues in this house I  
25 would again urge that we do all 10 points of the

1 Women's Equality Agenda, including the ones that  
2 codify choice protections in this state, because  
3 doing this piecemeal means we are leaving true  
4 equality on the table.

5 I will vote aye, though,  
6 Mr. President. Thank you.

7 ACTING PRESIDENT VALESKY: Thank  
8 you, Senator Squadron.

9 Senator Grisanti.

10 SENATOR GRISANTI: Yes, thank you,  
11 Mr. President.

12 I wasn't here in 2009-2010, but I  
13 would imagine that if a bill has been vetoed, and  
14 even though it was Governor Paterson, that  
15 apparently there was problems with it.

16 I want to thank Senator Robach and  
17 Senator Carlucci and all those who were  
18 involved. I too had housing discrimination  
19 bills. And I think what we did here is we took  
20 piece of legislation that actually worked and had  
21 the agreement on the Assembly side and then an  
22 agreement with the Governor that could be worked  
23 with to get things through.

24 I mean, the bottom line is this,  
25 ladies and gentlemen, that the individuals who

1 have suffered domestic violence deserve this type  
2 of protection that we have in here right now.  
3 And they are actually victims, and for that they  
4 deserve our support and moving forward and  
5 passing this legislation.

6 As for the task force, I'm familiar  
7 with what they do in Buffalo and the other places  
8 in Erie County. However, they're not really  
9 keeping tabs on what they are doing with that  
10 task force, so there's nothing actually to gauge  
11 as to whether or not that's actually working.

12 So by having this task force, I'm  
13 hopeful that the findings will learn to  
14 strengthen the law to prevent the type of  
15 discrimination based on income. And you need  
16 that type of data in order to move forward  
17 statewide. You know, having some in a few areas  
18 in Western New York that don't actually keep  
19 track of the data is not going to help.

20 So hopefully this will work. I vote  
21 aye, Mr. President. Thank you very much.

22 ACTING PRESIDENT VALESKY: Thank  
23 you, Senator Grisanti.

24 Are there any other Senators who  
25 wish to be heard?

1                   Senator Parker.

2                   SENATOR PARKER:    Thank you,  
3   Mr. President.   On the bill.

4                   ACTING PRESIDENT VALESKY:    Senator  
5   Parker on the bill.

6                   SENATOR PARKER:    It would only be  
7   on the summer solstice that I would actually get  
8   up -- maybe this once, the longest day in the  
9   year, both in the Legislature and in the Western  
10   Hemisphere -- to praise a bill by Senator  
11   Robach.   But I am.

12                   (Laughter.)

13                   SENATOR PARKER:    And so, Senator  
14   Robach, I just really want to thank you for your  
15   leadership on this issue.   This is actually a  
16   wonderful bill.   I think it does a lot of great  
17   things.   It's not a perfect bill, but outside of  
18   those carried by me, there's not a lot of perfect  
19   bills in this body.

20                   But as Senator Grisanti indicated,  
21   what's happening right now in the State of  
22   New York as relates to domestic violence is a  
23   crime on top of a crime, that victims of domestic  
24   violence continue to be victimized by other  
25   circumstances.   And I'm glad that we're taking a

1 stand here today in this body to in fact improve  
2 that situation.

3 In New York City, access to quality  
4 affordable housing is rare and extremely  
5 important. But one of the things that has  
6 actually been happening is that in fact if you've  
7 been a victim of domestic violence and you try to  
8 go get housing in another place after fleeing  
9 your batterer, you oftentimes run into a  
10 stumbling block of people denying you housing  
11 because they're scared of the drama that may come  
12 along with you being a victim.

13 And so you've been victimized again,  
14 from not being able to find housing. And  
15 oftentimes when you find housing, it's not  
16 appropriate housing, it's very expensive. And  
17 people are stymied with the situation around  
18 housing.

19 And so this bill is important. I  
20 agree with this bill so much that I introduced  
21 S5432, the Domestic Violence Deescalation Act, to  
22 really deal with this situation that's been  
23 prevalent in our state. And I'm glad to see the  
24 language from my original bill present in this  
25 bill.



1                   And I'm glad that we've been able to  
2                   come together to vote on a number of the bills in  
3                   the Women's Equality Act. However, we haven't  
4                   voted on all the bills, Mr. President. And it's  
5                   unfortunate that we were not able to deal with  
6                   women's reproductive health rights today. I'm  
7                   hoping that maybe that there will be a change in  
8                   the body's mind before we leave here. We have  
9                   plenty of sunlight, we still have probably about  
10                  four or five hours of sunlight. We certainly  
11                  have four or five hours worth of bills and debate  
12                  to go through, and so maybe in that time we'll  
13                  bring that to the floor.

14                 But women's reproductive health  
15                 rights are as important as anything else that  
16                 we're dealing with, whether it's housing or  
17                 discrimination, pay equity, so on and so forth.  
18                 And so I urge the body to take it up before we  
19                 leave today.

20                 Thank you very much.

21                 ACTING PRESIDENT VALESKY:    Thank  
22                 you, Senator Parker.

23                 The debate is closed. The Secretary  
24                 will ring the bells. Senators are asked to  
25                 proceed to the chamber for a vote.

1                   Read the last section.

2                   THE SECRETARY:    Section 5.   This  
3   act shall take effect on the 90th day.

4                   ACTING PRESIDENT VALESKY:    Call the  
5   roll.

6                   (The Secretary called the roll.)

7                   ACTING PRESIDENT VALESKY:    Senator  
8   Skelos to explain his vote.

9                   SENATOR SKELOS:    Thank you,  
10   Mr. President.

11                   I'd like to just comment briefly on  
12   the entire package that's been passed --  
13   legislation prohibiting differential pay,  
14   discriminatory practices, discrimination in  
15   housing, concerning domestic violence, human  
16   trafficking.  The nine pieces of legislation that  
17   we have passed today on a bipartisan basis truly  
18   are historic and something that all of us can be  
19   proud of.

20                   I thank my partner Jeff Klein for  
21   all of his good work, all the sponsors of the  
22   legislation, and the entire Legislature, the  
23   entire Senate, for being supportive of these nine  
24   piece of legislation.

25                   I would also ask the Speaker this

1 evening, before they go home, that each and every  
2 one of those nine points be voted upon, because  
3 it would be unconscionable to go home without  
4 that support.

5 ACTING PRESIDENT VALESKY: Senator  
6 Skelos in the affirmative.

7 Senator Latimer to explain his vote.

8 SENATOR LATIMER: Thank you,  
9 Mr. President.

10 We have reached the end of a series  
11 of votes, and we properly praised the Senators  
12 who have sponsored these bills -- this particular  
13 bill: Senator Robach, Senator Grisanti, and  
14 Senator Carlucci.

15 I think we should stop, though, and  
16 make a very strong point of thanking Governor  
17 Cuomo, because it was in his State of the State  
18 message earlier this year where he laid out an  
19 agenda of women's equality. And it was not  
20 necessarily received by all corners of the state  
21 as an urgent thing to do something that was  
22 necessary.

23 But he was forceful in making sure  
24 that this agenda was part of our public dialog.  
25 That we've reached the end with certain elements

1 of it succeeded, some not succeeded, some done at  
2 different levels than some of us would have  
3 liked. But the fact that we have come to the end  
4 of the trail with positive result I think is a  
5 statement of success for the Legislature but I  
6 also think it's a statement on behalf of Governor  
7 Cuomo, and in this chamber we should state that  
8 very clearly.

9 ACTING PRESIDENT VALESKY: Senator  
10 Latimer in the affirmative.

11 Announce the results.

12 THE SECRETARY: Those absent from  
13 voting: Senators Diaz and Sampson.

14 Ayes, 60.

15 ACTING PRESIDENT VALESKY: The bill  
16 is passed.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President, at  
19 this time could we take up Calendar Number 1590,  
20 please.

21 ACTING PRESIDENT VALESKY: The  
22 Secretary will place Calendar Number 1590 before  
23 the Senate.

24 THE SECRETARY: Calendar Number  
25 1590, substituted earlier by Member of the

1 Assembly Pretlow, Assembly Print 8101, an act to  
2 amend the Racing, Pari-Mutuel Wagering and  
3 Breeding Law.

4 SENATOR GIANARIS: Explanation.

5 ACTING PRESIDENT VALESKY: Senator  
6 Bonacic, an explanation has been requested by  
7 Senator Gianaris.

8 SENATOR BONACIC: Thank you,  
9 Mr. President.

10 This is the Governor's program bill,  
11 which Assemblyman Pretlow carried in the  
12 Assembly, which has passed. And I've been asked  
13 to carry it in this house.

14 The legislation before you is  
15 enacting legislation. We already have passed a  
16 constitutional amendment to allow the people to  
17 decide in November of this year whether they want  
18 commercialized gaming in the State of New York.  
19 The other piece of legislation that you approved  
20 was some modern technical language changes to the  
21 bill-in-chief that we're discussing now.

22 What this legislation does, it sets  
23 up a structure for gaming in the State of  
24 New York which I'd like to take a little time to  
25 explain to you.

1           First of all, it sets up a gaming  
2 commission of seven members. Four have already  
3 been appointed. The Governor has five  
4 appointments. In this house we have one, Sheldon  
5 Silver has one in the other house. That gaming  
6 commission will have jurisdiction over gaming,  
7 over lottery, over racing, over charitable  
8 activity involved with gaming.

9           That gaming commission will appoint  
10 a five-member siting board. There are seven  
11 licenses that are authorized under this enacting  
12 legislation. Now, when the Governor first put  
13 this concept out, he said it's an upstate-jobs  
14 economic development program. And believe me,  
15 needs jobs.

16           What this will do, there's been  
17 authorization for four licenses upstate. When  
18 this was first proposed, upstate included the  
19 lands of the Senecas, the Oneidas and the  
20 Mohawks. Roughly, that's 60 percent of the  
21 geography in the State of New York. To the  
22 Governor's credit, he negotiated successful legal  
23 compacts with those three Native American tribes  
24 to give them exclusivity. Which means none of  
25 these seven potential licenses can go in

1 60 percent of the upstate territory. Assuming,  
2 of course, that the Native American compacts are  
3 in good standing as we go forward.

4           It's an open competitive process.  
5 In the 40 percent geography, any applicant has to  
6 compete for the best project. Every region --  
7 and there's three in the 40 percent, and let me  
8 tell you quickly. It's around the Saratoga area,  
9 Albany, Washington, that area. It's the Tioga  
10 area. And it's the Catskill area of seven  
11 counties. That's really the three regions in  
12 Zone 2. No one region can get more than two  
13 casinos. The other -- of course there's one in  
14 the other regions.

15           I want you to picture something in  
16 your mind before I talk more about the details.  
17 Picture a resort destination -- I don't know how  
18 many of you have been in Vegas. I have, a few  
19 times. And I think of a resort -- and this is  
20 the Governor's vision as well as my own -- that  
21 has all the amenities of recreation: golf  
22 courses, tennis courts, entertainment,  
23 restaurants, spas.

24           And we're better than Atlantic City,  
25 we're better than Vegas. And I'm going to tell

1     you why. We have four seasons upstate of family  
2     fun. When I was in Vegas, I saw a documentary.  
3     One out of eight people that go to Vegas gamble.  
4     Seven never gambled at a casino. They go for all  
5     the recreation amenities.

6                 So if this referendum passes, you  
7     will have four of these resort destinations --  
8     and I'm hoping two come into Catskills -- because  
9     already we've had three heavy hitters come in  
10    with proposals, spending millions and millions of  
11    dollars, in excess of \$600 million per project,  
12    with a benchmark of a minimum of a thousand  
13    jobs. A minimum.

14                Now, these resort destinations are  
15    game changers. What do I mean by that? I mean  
16    they have a ripple effect on everything else that  
17    happens in that county, in that region, and the  
18    surrounding counties.

19                Okay? Sullivan County more than a  
20    10 percent unemployment. Town of Wawarsing,  
21    southern Ulster County, 18 percent unemployment.  
22    You may not believe me, but when you go upstate,  
23    we're not in a recession we're close to a  
24    depression. This is about jobs, jobs, jobs for  
25    upstate.



1                   Now, three of the licenses stay in  
2     the bank. We don't know where they're going.  
3     Okay? The siting commission will eventually  
4     decide where they will go. There will be a  
5     seven-year wait before any of those three are  
6     announced when they see how the landscape has  
7     developed in seven years. They want to give the  
8     upstate economy an opportunity to build these  
9     casinos without having them downstate, where they  
10    may eat the lunch of upstate. They want them to  
11    get started.

12                  Now, in time the legislative body  
13    could make a statutory change and shorten that  
14    seven-year period. But under this legislation,  
15    it's a seven-year wait. When I say seven-year  
16    wait, when the first casino is built, it takes  
17    about 18 months to two years to do this. Then  
18    the clock ticks for the five years. So the two  
19    plus the five. Okay?

20                  Now, what is critical that makes  
21    this work? Our racinos in the State of New York,  
22    and we have good ones. They've been tremendous  
23    partners with the State of New York in giving  
24    money to education. There's over \$800 million  
25    that they have given this state to enrich our

1 children and all our schools throughout the state  
2 for education.

3 We have to make sure that they're  
4 not cannibalized in any way. And that's why  
5 there is flexible rates built for the racinos.  
6 If a casino comes upstate somewhere in a distance  
7 of a racino, that racino will have the  
8 opportunity to lower their rate.

9 Now, let me tell you briefly, the  
10 racinos pay on average 68 percent of what comes  
11 into the state. The casinos are scheduled to pay  
12 roughly 40 percent. Now, we're looking for  
13 competition, a competitive, level playing field.  
14 Let's say a casino comes in -- and I'm making it  
15 up for purposes of illustration. Let's say they  
16 come within 15 miles of this casino and we see  
17 that that casino is hurting a particular racino.  
18 We lower their rate so we ensure that they will  
19 continue to thrive.

20 The proceeds from any of the  
21 casinos, 80 percent of it spread statewide for  
22 education and property tax relief; 10 percent,  
23 hosts communities where the casinos are; the  
24 other 10 percent, the counties around that  
25 particular host community.

1                   What's happening in the gaming  
2 business? New Yorkers are spending their money  
3 in Pennsylvania, they're going to Atlantic City,  
4 they're going to Jersey, they're going to  
5 Connecticut, they're going Canada. Money is  
6 being lost to these outside gaming interests in  
7 the neighboring states. We want to recapture  
8 that money and put it into our schools and  
9 property tax relief and increase our General  
10 Fund. That's the purpose of why we're doing  
11 this.

12                   And I come back to this because when  
13 I look at the density of the State of New York --  
14 and I don't want to minimize the voters upstate.  
15 The Island, New York City, that's where the heavy  
16 density is. And it's important if -- and I can  
17 tell you a little bit more. I'm only going to  
18 talk about the Catskills because that's what I  
19 know. We have a second-home market that comes  
20 from the Island, that comes from New York City.  
21 I've said this before, when young people upstate  
22 need jobs and want to find spouses, they go to  
23 New York City. And when they work there and they  
24 want a second home, they come back up into the  
25 country. And when they get older, that secondary

1 home becomes a primary home.

2           There is an affection and a  
3 connection between the Island, the City, and  
4 upstate New York. The Catskills historically, in  
5 the old generations of maybe two generations ago,  
6 they were the hotspot. And if you go anywhere in  
7 the United States, you go down to Wall Street and  
8 you see successful people or any kind of jobs,  
9 you know what they're going to tell you? I  
10 worked as a waiter, I worked as a waitress, I  
11 remember the Concord, I remember Grossinger's.

12           We have the best golf courses in the  
13 world right up here upstate. But we need a  
14 stimulus. This is no taxpayer money here, this  
15 is private money making capital investments in  
16 the upstate economy. And everybody in the City  
17 or the Island, within two hours, two and a half  
18 hours can come upstate and have a vacation  
19 without getting on a plane and spending a lot of  
20 money and never going into a casino. And you can  
21 do that for four seasons upstate. That's what we  
22 have. That's the magic and the attraction of  
23 upstate. But we can't do it by ourselves.

24           And I remember when we had campaigns  
25 throughout the state, I can remember the city

1 people running: We are one New York. We are one  
2 New York. We watch out for each other. Well, I  
3 tell you, this is an opportunity where we can  
4 show that we're one New York, because I need the  
5 elected officials in this body to help get the  
6 vote out to pass this referendum and create jobs  
7 upstate and bring education money and property  
8 tax relief to everybody in the State of New York.

9 I think that's pretty much -- I know  
10 I was doing a little marketing and at the same  
11 time trying to describe the details of the bill.  
12 But that is pretty much -- there are more  
13 specifics, but for the time being I think I  
14 covered the highlights.

15 ACTING PRESIDENT VALESKY: Senator  
16 Krueger.

17 SENATOR KRUEGER: Thank you,  
18 Mr. President. If I could ask the sponsor to  
19 yield for some questions.

20 ACTING PRESIDENT VALESKY: Senator  
21 Bonacic?

22 SENATOR BONACIC: Absolutely. Love  
23 to.

24 ACTING PRESIDENT VALESKY: Senator  
25 Bonacic will yield.

1                   SENATOR KRUEGER:    The explanation  
2   was satisfactory -- and some of my colleagues  
3   thought satisfactory quite a while ago -- but  
4   still there are questions left to go.

5                   So you -- towards the end you were  
6   talking about how there's something in it for  
7   everyone, and you were describing the formula for  
8   the 80 percent and the 10 percents. But as I  
9   understand it, there are several counties that  
10   don't get anything. Putnam, Rockland, and  
11   Westchester Counties, with some of the highest  
12   property taxes in the state and the country,  
13   don't get any property tax relief from this  
14   proposal. Could you clarify that?

15                  SENATOR BONACIC:    That is  
16   incorrect. Eighty percent of the revenues from  
17   casinos are going to everybody in the State of  
18   New York, both for education and property tax  
19   reduction, 80 percent.

20                  SENATOR KRUEGER:    Through you,  
21   Mr. President, if the sponsor would continue to  
22   yield.

23                  SENATOR BONACIC:    Yes.

24                  ACTING PRESIDENT VALESKY:    The  
25   sponsor yields.

1                   SENATOR KRUEGER:    Thank you.

2                   A little confusion to me, I guess,  
3   also because the money is not actually earmarked  
4   for the education.  The bill says education or  
5   property tax relief shall be used, but then --  
6   sorry, I just want to get this right.  One  
7   second.  I'll reference the two different  
8   sections.

9                   In the intent section of the bill on  
10   page 2, it actually -- the money shall be used  
11   for education and property tax relief.  But then  
12   in the actual substance of the bill, on page 67,  
13   line 26 --

14                  SENATOR BONACIC:    Oh, I know that.

15                  SENATOR KRUEGER:    Okay, page 67,  
16   line 26, it says 80 percent of the monies in such  
17   fund shall be appropriated or transferred only  
18   for elementary and secondary education or real  
19   property tax relief.

20                  So what does that "or" mean on  
21   page 67, line 26?

22                  SENATOR BONACIC:    Okay.  It's the  
23   intent of the legislation that 80 percent of the  
24   revenues generated from casinos will be  
25   distributed throughout the State of New York

1 during the budget process.

2 We don't say what each county is  
3 going to get, but there is a commitment by the  
4 Governor, in this legislation, any enhanced  
5 revenues for casino are going to be made  
6 available to the education -- to the schools  
7 throughout the State of New York as negotiated in  
8 the budget.

9 SENATOR KRUEGER: Through you,  
10 Mr. President, if the sponsor would continue to  
11 yield.

12 SENATOR BONACIC: Yes.

13 ACTING PRESIDENT VALESKY: The  
14 sponsor yields.

15 SENATOR KRUEGER: Is there an  
16 estimate of what that revenue will be from the  
17 four casinos anticipated to be starting sooner  
18 than later, as opposed to the three that might  
19 happen after seven years?

20 SENATOR BONACIC: It's impossible  
21 to answer that question because we don't know  
22 what the application will be, who the applicant  
23 will be. I'm familiar with four interests in the  
24 Catskills, but Governor Cuomo has said we're  
25 going to take the best project.



1                   I don't know, if an MGM comes in  
2     upstate and knocks the socks off, pays a big  
3     application fee, a big license fee and, you know,  
4     has a big resort project, of which will be picked  
5     by the site selection committee. So that's an  
6     unknown that has to play out. And depending upon  
7     the size of the resort, the amount of machines  
8     that they're going to put in there and the amount  
9     of the application and license fee, we can't  
10    estimate at this point how much money the casinos  
11    will bring in.

12                  SENATOR KRUEGER:    Thank you,  
13    Mr. President. If through you the sponsor will  
14    continue to yield.

15                  SENATOR BONACIC:    Yes. Yes.

16                  ACTING PRESIDENT VALESKY:    The  
17    sponsor yields.

18                  SENATOR KRUEGER:    Where is the  
19    language in this bill -- sorry, I need to put it  
20    into context. Some people in the state have been  
21    cynical about the current arrangement we have  
22    where all lottery money goes for education, and  
23    yet I get the question all the time: So isn't  
24    lottery money just displacing other general  
25    revenue fund money that would be committed to

1 education?

2           So where in this bill is the  
3 language that assures maintenance of effort, a  
4 state's obligation to education before you get to  
5 new monies that are the 80 percent of the  
6 revenues from this proposal?

7           SENATOR BONACIC:   Just give us a  
8 moment and we'll look for that.

9           Let me just share with you, when you  
10 talk about, you know, the money for lottery is  
11 supposed to go for education. This comes up all  
12 the time in our district too, this question. But  
13 I think this proposal started in the early 80's.  
14 And the bottom line is the money generated from  
15 lottery grows at a much slower pace than the  
16 increases in our education budget. There's no  
17 way that gaming from the lottery could ever keep  
18 up with the education budget.

19           So therefore, the percentage of  
20 lottery compared to the education budget gets  
21 smaller and smaller because we as a legislature  
22 are always pumping a lot of money into  
23 education. And every year we give out a book and  
24 we show that constituent where the lottery money  
25 went from education. And it still does. But

1     it's becoming smaller and smaller because the  
2     education budget is getting bigger and bigger  
3     each year.

4                 SENATOR KRUEGER:     Should I continue  
5     with a new question while we're still waiting for  
6     the answer to the last question?

7                 SENATOR BONACIC:     If you want to  
8     continue the questions, it's okay with me, and  
9     we'll come back to the answer to that other  
10    question.

11                SENATOR KRUEGER:     If that's okay  
12    with you, Mr. President.

13                ACTING PRESIDENT VALESKY:     Proceed.

14                SENATOR KRUEGER:     Thank you. We'll  
15    just put a footnote on that question we're still  
16    waiting for an answer to.

17                So this bill changed quite a bit  
18    over the last few weeks, so I am trying to  
19    understand where we were and where we got to.

20                SENATOR BONACIC:     Can I just  
21    interrupt you for a moment?

22                SENATOR KRUEGER:     Yes, you may.

23                SENATOR BONACIC:     Page 68, Section  
24    C, lines 3 through 11. Do you want me to read it  
25    to you? Or you can just check it yourself.

1                   SENATOR KRUEGER:    If I can just  
2   have a moment to read the paragraph.  Thank you.

3                   SENATOR BONACIC:    Take a moment.

4                   SENATOR KRUEGER:    Through you,  
5   Mr. President, could the sponsor translate for  
6   me?  It's a little complicated.

7                   SENATOR BONACIC:    Say it again,  
8   Senator Krueger?

9                   SENATOR KRUEGER:    Could you  
10   translate and explain that paragraph to me?  I  
11   actually am having a little trouble understanding  
12   it.

13                  SENATOR BONACIC:    I'll have my  
14   staffer explain it to me, and then I'll explain  
15   it to you.

16                  Basically this language says that  
17   any monies from the casino cannot be used like  
18   the lottery was, to -- you can't diminish the  
19   General Fund because of casino.  It must be added  
20   on top of the General Fund.  Okay?  That's the  
21   intent.  In other words, the money is a lockbox  
22   to go for increase in education, and you can't  
23   put it in the General Fund and say, you know, get  
24   it lost in there and not give increased money to  
25   the schools.  That's what that means.

1                   SENATOR KRUEGER:    Through you,  
2   Mr. President, if the sponsor would continue to  
3   yield.

4                   SENATOR BONACIC:    Yes, I do.

5                   ACTING PRESIDENT VALESKY:    The  
6   sponsor yields.

7                   SENATOR KRUEGER:    Thank you.

8                   Is there an adjustment formula into  
9   the future?  Because we know our costs of  
10   education go up.  So one of the things that I  
11   believe the sponsor already referenced in an  
12   earlier answer, if the estate had \$10 billion per  
13   year for education funding in Year X and the  
14   lottery was providing \$1 billion, but then five  
15   years later it had \$12 billion but the lottery  
16   was only providing \$1 billion, it's a different  
17   story.

18                   So over time is there an adjustment  
19   that the state General Fund would actually have  
20   to have a continuing growth factor in its  
21   commitment to hold maintenance of effort rather  
22   than substituting gambling revenue for general  
23   state commitment?

24                   SENATOR BONACIC:    I think the  
25   formulas are in the Education Law.

1                   And I can only say to you that the  
2     design and the way this is intended to work --  
3     and we put language in there -- is that there is  
4     a promise by the Governor and by the wording in  
5     this legislation, all casino money growth will go  
6     to enhanced funding. So that's the best I can  
7     tell you at this time.

8                   SENATOR KRUEGER: Through you,  
9     Mr. President, I want to thank the sponsor for  
10    his answers. I have many questions that go in  
11    different directions. So let's jump to my next  
12    concern.

13                  My understanding is the MWBE  
14    provisions that were in the original bill were  
15    removed and that rather than specific performance  
16    goals, there's simply a reference to existing law  
17    which is argued to be much weaker than the  
18    arrangement that was created around the Aqueduct  
19    deal. Can I get an answer from the sponsor about  
20    why this happened and what this means for MWBE?

21                  SENATOR BONACIC: Is that a  
22    question?

23                  SENATOR KRUEGER: Yes, sir.

24                  SENATOR BONACIC: Oh, I'm sorry.

25                  SENATOR KRUEGER: Would the sponsor

1     like me to repeat the question?

2                   SENATOR BONACIC:     Well, I'm told  
3     that all of the existing regulations and the  
4     formulas are going to remain in place.

5                   What I think you're getting at is --  
6     I'm trying to cut to the chase here -- you're  
7     trying to make sure that, I assume, that  
8     increased monies for casino go for the growth in  
9     education and they don't get lost or watered down  
10    in some other way that becomes part of the  
11    general funding and never realize the growth in  
12    those revenues year after year.  Is that where  
13    you're going with this?

14                  SENATOR KRUEGER:     Through you,  
15    Mr. President, that was where I was going but I  
16    had shifted to a new question and a new topic.

17                  But if you don't mind my asking it  
18    again, through you, Mr. President.

19                  SENATOR BONACIC:     Would you  
20    please?  Would you please repeat it?

21                  SENATOR KRUEGER:     Thank you.  I had  
22    shifted to the MWBE provisions.  And in the  
23    original bill there was actually metrics of  
24    10 percent, 15 percent, 20 percent performance  
25    goal targets, as there were in the original

1 arrangement around the Aqueduct racino deal.

2 And yet those seemed to disappear in  
3 this final bill, which I think concerns many of  
4 us that they are much weaker provisions than we  
5 thought there would be for addressing minority  
6 and women-based -- excuse me, MWBE economic  
7 opportunities for jobs.

8 SENATOR BONACIC: This is the bill  
9 that the Governor sent us with respect to, you  
10 know, women and minorities. But we don't -- it  
11 is a weighted factor in the application. When  
12 anyone comes in for an application, there is a  
13 grading system of which I can share with you, and  
14 that's part of it. Okay?

15 SENATOR KRUEGER: I actually have  
16 that section. But my concern is in a previous  
17 version of the bill in draft, it actually had  
18 some much more specific provisions with actual  
19 target goals, percentage-wise, of the total  
20 number of jobs being contracted for during the  
21 various processes.

22 So in Aqueduct we actually had a  
23 formula with very specific targets that was in an  
24 earlier draft of this legislation but was taken  
25 out in the final version before us tonight.



1                   SENATOR BONACIC:    Right.  Senator  
2   Krueger, just for information purposes, when we  
3   introduced my bill on this subject, I had  
4   38 drafts before it came in.  The Governor had, I  
5   think, close to 15 drafts before his bill was  
6   introduced.  So when you refer to something that  
7   he had in there before, you know, it has no  
8   meaning other than what's in there now.

9                   And I'm told that the MWBEs, it's a  
10  weighted factor.  It will be part of the  
11  application that will be given consideration of  
12  whether that applicant gets the license or not.

13                  SENATOR KRUEGER:   Through you,  
14  Mr. President.  Oh, you've changed since I looked  
15  last.  Hello, Mr. President, new Mr. President.

16                  (Laughter.)

17                  SENATOR KRUEGER:   Through you,  
18  Mr. President, a statement, then a question.

19                  The version I was referencing was  
20  the Governor's program bill on his website.  And  
21  in fact, yes, you are supposed to submit some  
22  information with the application.  But in this  
23  version, the one before us tonight on the floor,  
24  there are no obligations for follow-through with  
25  specific metrics, specific percentages.

1                   So my question again -- maybe I'll  
2 rephrase the question. Do you share my concern  
3 that a much better provision that was in the  
4 Governor's program bill vis-a-vis MWBE  
5 obligations was removed to get us to this bill  
6 before us tonight?

7                   SENATOR BONACIC: You have to  
8 understand that the legislation that we're  
9 concerned about is jobs, jobs, jobs. We're  
10 talking of private money. And as a result of  
11 private money -- the things you're talking about  
12 is where state money is involved. And this is  
13 the Governor's bill talking about this issue.

14                  So I'm only saying if there were  
15 state money involved, it is a weighted factor.  
16 But it's not -- and all existing regulations, by  
17 the way, as it pertains to MWBE, are still in  
18 effect. Nothing has changed.

19                  SENATOR KRUEGER: Through you,  
20 Mr. President, if the sponsor would continue to  
21 yield.

22                  SENATOR BONACIC: Yes, I will.

23                  SENATOR KRUEGER: I appreciate his  
24 pointing out that the issue is jobs, jobs, jobs.  
25 And obviously in his explanation before, he was

1 discussing that.

2 So it raises a new concern.

3 National data and research done on other types of  
4 casino and destination target areas for casinos  
5 actually shows that -- a comprehensive review of  
6 the research on the economic impact of casino  
7 development released in 2010, authored by a  
8 fellow at the Philadelphia Federal Reserve Bank,  
9 puts it this way: The positive economic impact  
10 of casino development is offset to varying  
11 degrees by the extent to which other local  
12 economic activity is negatively affected by the  
13 casinos, as when the presence of a casino results  
14 in a loss of business to the local economy.

15 And further research shows that  
16 casino construction and operation can but does  
17 not necessarily mean job creation and growth.  
18 The Illinois study indicated that for every job  
19 created, local businesses lost one or more jobs.

20 So if the sponsor could go into  
21 details about the evidence that this proposal  
22 will actually create jobs when the national  
23 research apparently is it doesn't.

24 SENATOR BONACIC: I will tell you  
25 that there have been these surveys talking about

1 the impact of casinos in different locations that  
2 are quite the opposite than what you say.

3 You can hire anyone to do a survey  
4 to come up with positive fiscal impacts to  
5 achieve the goal that you want to achieve. And I  
6 can tell you in the Catskills, which has been a  
7 traditional resort area, jobs will be created.

8 So number one, when you have private  
9 money and the ability to get financing and they  
10 say they're going to invest over \$600 million in  
11 a project, I don't think they're looking at your  
12 survey. I think they have other surveys in mind,  
13 surveys that say they're willing to put their  
14 money where their mouth is, make investments,  
15 create jobs. They think it's a positive for  
16 them.

17 And in a region like Tioga, parts of  
18 Washington County, which is over 10 percent  
19 unemployment, southern Ulster, which is  
20 18 percent, they're going to create jobs.  
21 They're going to create construction jobs and  
22 they're going to create permanent jobs. And by  
23 the way, all the jobs in these casinos are union  
24 jobs.

25 SENATOR KRUEGER: Through you,

1 Mr. President, if the sponsor would continue to  
2 yield.

3 SENATOR BONACIC: Yes, I will.

4 ACTING PRESIDENT CARLUCCI: Senator  
5 Bonacic yields.

6 SENATOR KRUEGER: I think perhaps  
7 the sponsor misunderstood the research. But just  
8 to repeat, I am sure the casinos will make  
9 money. I think that's what they're in the  
10 business to do. And so they will create jobs at  
11 their locations and for the building of their  
12 locations.

13 I think what I was pointing out from  
14 the national research is that there's a  
15 difference between economic development that  
16 creates new economic activity and income and  
17 total employment, versus a substitution effect  
18 where certain pieces of the local economy are  
19 negatively affected and therefore there are  
20 winners and losers.

21 So for example, national research  
22 showing that unless -- excuse me, just getting to  
23 my next citation -- that unless the casinos are  
24 actually -- the casino clients are at least  
25 50 percent from out of your state, it doesn't

1 actually generate any new economic activity.

2           So perhaps I'll shift to we don't  
3 know how much revenue to expect because we don't  
4 even know what's going to be proposed, just four  
5 sites. We seem to have a potential disagreement  
6 about the economic winners and losers. Do we  
7 have any estimates on what percentage of the  
8 visitors to these casinos are expected to be from  
9 within the community or from outside of the  
10 state?

11           SENATOR BONACIC: We do not. It  
12 depends on the casinos that are built. It  
13 depends on the grandeur of the resort and the  
14 reputation. But, you know, people come to New  
15 York City as a tourist destination for all that  
16 the city has to offer.

17           But I would think that we would draw  
18 from the Island, the City, and northern  
19 New Jersey. That's where I would think where  
20 families would come up for a resort experience.

21           Now, there is a ripple effect. It's  
22 not only the jobs at the casinos, there will be  
23 housing created. In fact, the project proposed  
24 at Liberty is Muss Development, which you may  
25 know of in New York City, that's built many

1 commercial buildings -- successfully, I may  
2 add -- in New York City. They want to also  
3 build, as an accompaniment to this Foxwoods  
4 Resort, if they get it, massive new housing. And  
5 other businesses, as I said, will feed off it and  
6 come. So it's a wealth creator for activity.

7 SENATOR KRUEGER: Through you,  
8 Mr. President, if the sponsor will continue to  
9 yield.

10 SENATOR BONACIC: I do.

11 ACTING PRESIDENT CARLUCCI: The  
12 Senator yields.

13 SENATOR KRUEGER: I hope so. But  
14 the data shows that Las Vegas was the only center  
15 of gambling that has actually met the test of  
16 having more than 50 percent of the gamblers come  
17 from out of state, which is apparently the test  
18 of the winners and losers for the local economy.  
19 And Las Vegas is actually losing the number of  
20 people going there for gambling. And Atlantic  
21 City is in a much worse situation.

22 So my question is if casinos as a  
23 model shift economic activity to the casinos away  
24 from communities, are not necessarily, on net,  
25 job creators or economic development triggers,

1 but you do seem to have to fall into a certain  
2 category of being amazingly large and drawing a  
3 huge nexus of people from out of your state and  
4 certainly from out of your community area, what  
5 are we going to do in New York City to make sure  
6 we simply don't make the mistakes that any number  
7 of other states have made where their casinos  
8 actually never got off the ground or they lost  
9 money or they closed?

10 At a time when Atlantic City is  
11 facing bankruptcies in a number of their  
12 casinos and again, according to national  
13 research, Las Vegas is the only destination  
14 resort that seems to meet the test of creating  
15 new economic activity and jobs because more than  
16 50 percent of the people gambling there are  
17 actually coming from out of the state, how are we  
18 going to do it all right and avoid all the  
19 pitfalls?

20 SENATOR BONACIC: Let's try to  
21 refocus this.

22 (Pause.)

23 SENATOR BONACIC: No, I didn't want  
24 to interrupt your conversation.

25 SENATOR KRUEGER: Yes, thank you.



1                   SENATOR BONACIC:     In December of  
2     2007, the recession in the United States began.  
3     It has continued, for the most part, from  
4     December of 2007 till certainly I would say  
5     today, although there's a slight heartbeat,  
6     economic heartbeat that's a little better.  
7     There's been a tremendous loss of jobs under the  
8     present administration. We haven't gotten out of  
9     the recession. And as a result, in tough times,  
10    there's not as much disposable income to engage  
11    in recreation or gaming.

12                   So when you're citing something for  
13    2010 or whatever, that's a symptom of the times.  
14    I'm sure when things were booming, with the big  
15    bubble, there were jobs created and they were all  
16    making money. So this is a cyclic thing of  
17    economic periods.

18                   But as far as we're concerned, if  
19    what you're saying is so obvious and is so dire,  
20    why do we have people wanting to come to the  
21    State of New York to spend close to -- a minimum  
22    of \$600 million on a project of private money,  
23    not state money, government money, to go build  
24    things and take a risk at the entertainment  
25    business, the casino business, and the resort

1 business?

2                   And they're much more sophisticated  
3 than you or me. But this is their private money  
4 that they're willing to invest. So I think they  
5 know more than what you and I know as to what  
6 these projects bring.

7                   Now, the fact that they may make  
8 money, I hope they make a lot of money. Because  
9 if they do, we're going to have more money for  
10 education and property tax reduction. And profit  
11 is not a dirty word. And we know jobs are going  
12 to be created, and we know we're going to have a  
13 ripple effect for housing and many other  
14 businesses. And the tourism growth, don't forget  
15 the tourism growth.

16                   SENATOR KRUEGER: Through you,  
17 Mr. President. For the record, I think the two  
18 of us are damn sophisticated, so I take a point  
19 of personal privilege on that.

20                   But my point was yes, casinos make  
21 money for the people who own the casinos. The  
22 greater concern is the economic impact overall on  
23 winners and losers because --

24                   ACTING PRESIDENT CARLUCCI: Are you  
25 on the bill, Senator?

1                   SENATOR KRUEGER:    I am on the bill,  
2   and then I'll get back to questioning.  Thank  
3   you, Mr. President.

4                   ACTING PRESIDENT CARLUCCI:   Thank  
5   you, Senator Krueger.

6                   SENATOR KRUEGER:    -- the concern of  
7   who makes the money and who loses the money and  
8   what is the impact on the communities that they  
9   are in and the state and problem gambling.

10                  And this brings me to if the sponsor  
11   would continue to yield, please.

12                  ACTING PRESIDENT CARLUCCI:   Senator  
13   Bonacic, do you yield?

14                  SENATOR BONACIC:    Of course.  I  
15   thought she was on the bill.

16                  ACTING PRESIDENT CARLUCCI:   The  
17   Senator yields.

18                  SENATOR KRUEGER:    Thank you.

19                  Another major concern that I have,  
20   and it does appear to be fairly weak language in  
21   the bill, is the right of a community to say  
22   "Yes, we'd love one, we think it's a fabulous  
23   idea and everybody is going to make money and get  
24   rich," or "No, we think it's actually a pretty  
25   bad idea and we've actually looked at the

1 national research and we actually think we will  
2 be losers, not winners."

3 So could the sponsor please explain  
4 to me how a local town or county can actually say  
5 "No, thank you"?

6 SENATOR BONACIC: I know in my  
7 local areas there is public support for the  
8 casinos.

9 I will tell you that in the three  
10 regions -- I'll just speak for the Catskills,  
11 specifically Sullivan and Wawarsing, we've had  
12 the counties, we've had the town of Thompson,  
13 we've had the state crying for these resorts to  
14 come into their area. Up in the Tioga area that  
15 has high unemployment, there is strong public  
16 support. They're crying for a resort to go  
17 there. And I do believe we have letters of  
18 support up in the Saratoga area and Washington  
19 area.

20 You have to understand, all these  
21 areas are bleeding, they're hemorrhaging.  
22 They're, I say, on the verge of depression. So  
23 they're desperate for activity, and they have  
24 open arms for these investments.

25 SENATOR KRUEGER: Through you,

1 Mr. President. And if that is true, I would  
2 assume those communities would happily vote yes  
3 on a home rule or a local referendum. And in the  
4 original Governor's program bill, that was  
5 exactly the language there, calling for a home  
6 rule vote or referendum where in fact the  
7 communities you just named could overwhelmingly  
8 say "We want it, thank you."

9 But that disappeared from this  
10 bill. That language is not there. And it is  
11 almost impossible for a community to actually say  
12 no under the language that is written here.

13 SENATOR BONACIC: Not necessarily  
14 true. Because zoning controls what goes in a  
15 particular town or county. So they have their  
16 zoning laws to stop anything, that they could  
17 prohibit activities in certain areas if they were  
18 so inclined.

19 SENATOR KRUEGER: Through you,  
20 Mr. President, that shifts me to the next topic.

21 ACTING PRESIDENT CARLUCCI: Does  
22 the Senator yield?

23 SENATOR BONACIC: Of course.

24 ACTING PRESIDENT CARLUCCI: The  
25 Senator yields.

1                   SENATOR KRUEGER:    Thank you.

2                   So according to research, gambling  
3   has more of a history of corruption than any  
4   other industry, with large amounts of money  
5   passed to local elected officials, town boards,  
6   to ensure the answers are the way they wish.

7                   In the original version -- excuse  
8   me, the Governor's program bill, campaign  
9   contributions from gambling concerns were  
10  banned. Now there is only language saying  
11  political contributions from the casino industry  
12  will be minimized to reduce the potential of  
13  political corruption. But the only actual bill  
14  language dealing with such contributions is a  
15  requirement that contributions be reported as  
16  part of the application process.

17                  I know when I was lobbied by some of  
18  the gambling concerns, I begged them to support  
19  public financing of campaigns to make sure that  
20  if the state went down the road of casino  
21  gambling, we weren't going to walk ourselves into  
22  the political corruption stories from around the  
23  states and internationally, and I won't read the  
24  pages of citations.

25                  So that was actually a very

1 important part of the bill to me, and that's  
2 gone. Why?

3 SENATOR BONACIC: That was taken  
4 out in the chapter amendment that was approved by  
5 another bill before.

6 When you start trying to limit  
7 political contributions, you run into  
8 constitutional problems.

9 So, you know, when you talk of  
10 corruption, you know, that depends on the  
11 integrity of people you're dealing with. So  
12 there are positives and negatives whenever you  
13 talk about gaming. You talk about, you know,  
14 whether there's addictions, whether there's  
15 excess traffic, whether there's a burden on  
16 roads. But we try to provide to offset the  
17 negatives with host fees and other economic  
18 relief. You do this balancing of scale test, and  
19 you weigh the positives with the negatives.

20 And that's the purpose of the  
21 referendum. Let the people decide what they  
22 think is more positives or negatives. That's an  
23 argument for when it goes to the people.

24 SENATOR KRUEGER: Through you,  
25 Mr. President, on the bill.

1                   ACTING PRESIDENT CARLUCCI:    Senator  
2   Krueger on the bill.

3                   SENATOR KRUEGER:    You know, I have  
4   endless questions, as I think you can see, but I  
5   just want to highlight some of my major  
6   concerns.

7                   Because I've always said I'm  
8   agnostic on gambling, and I was agnostic about  
9   the idea of opening the door to casino gambling.  
10   And I admit that when you talk about opening the  
11   door to gambling in New York State, you sort of  
12   want to chuckle and go, well, that horse has left  
13   that barn. Because obviously we have gambling  
14   and we have things called racinos which I think  
15   sort of just smell, look, taste and touch like  
16   casinos, except there aren't the dealers --  
17   that's what they're called, right? -- the dealers  
18   at the tables. But there are machines that play  
19   the same games.

20                  So, you know, I recognize that we're  
21   deciding to expand something that already exists  
22   in New York State, not create a whole new world.  
23   And yet the way this final bill came out, I am so  
24   concerned that some critical pieces that I  
25   thought needed to be in this bill -- and even



1     once were -- have disappeared, that I sincerely  
2     don't believe I can vote for this bill.

3             Again, as we talked before, there's  
4     property tax unfairness issues for counties who  
5     will be losers versus winners. The MWBE  
6     provisions have been weakened. The local option  
7     to say "yes, thank you," "no, thank you" -- even  
8     if everybody wants to say yes, as the Senator  
9     suggested, let them actually have a chance to say  
10    yes or no.

11            These license fees that were  
12    required have disappeared. It was \$50 million  
13    minimum in the Governor's bill. The Resorts  
14    World license fee for Queens Racino was  
15    \$250 million just for that one location. And in  
16    this version of the bill, first you apply, then  
17    you might get chosen, and then you'll negotiate  
18    your licensing fees? So we don't even know what  
19    kind of licensing fees we're going to get. We  
20    don't know what the revenue is going to be. We  
21    hope that the money will be correctly earmarked.

22            We aren't doing anything about the  
23    enormous potential for corruption from gaming  
24    interests. This is a critical issue in this  
25    state right now. We should actually be here on

1     this floor debating anticorruption legislation.  
2     We should be passing campaign finance reform.  
3     Again, if we had campaign finance reform with  
4     matching small-donor funds that specifically  
5     outlawed corporate contributions, I could be so  
6     much more comfortable with this bill, even if I  
7     have other problems with it.

8                 But we are setting ourselves up, I  
9     believe, for a left hook and a right hook, à la  
10    the experience of other places throughout the  
11    country. We are not asking the right questions  
12    about new revenue versus replacement revenue. I  
13    worry about problem gambling. I particularly  
14    worry about problem gambling in low-income  
15    communities because we target and market the poor  
16    to become the gamblers.

17                I am personally outraged that we  
18    created and have a lottery that we, the State of  
19    New York, spend your taxpayer dollars to lie to  
20    people in advertisements to get them to play the  
21    lottery. The dollar and a dream. Your chances  
22    of winning the lottery apparently are worse than  
23    getting hit by lightning on a golf course during  
24    a thunderstorm, and yet we put out TV commercials  
25    promising people they'll get rich.

1                   So in fact, for me, if casinos would  
2                   have meant putting out of business lottery, I  
3                   could have been --

4                   ACTING PRESIDENT CARLUCCI:   Excuse  
5                   me, Senator Krueger.

6                   Could we just have some order in the  
7                   chamber. The Senator needs to be heard, and  
8                   we'll respect that.

9                   Thank you, Senator Krueger.

10                  SENATOR KRUEGER:   Thank you. Thank  
11                  you, Mr. President.

12                  I could have been more excited if it  
13                  was actually outlawing lottery, because I'm so  
14                  disturbed about the expansion of that and how the  
15                  lottery targets the people least able to meet  
16                  their household needs and rather going into  
17                  bankruptcy on an enormously high level.

18                  And in fact that's another concern,  
19                  that this bill will bring casinos, which we know  
20                  will bring increased gambling addiction. And  
21                  even there I would say if we provided adequate  
22                  resources, we might at least be able to help some  
23                  people. Because I do understand we already have  
24                  problem gamblers. And we already have a problem  
25                  because we have so many ways to gamble in the

1 state. But this will be exacerbating the problem  
2 without, I don't believe, proper targeting.

3 In truth, the part of casino  
4 gambling and revenue for schools and property tax  
5 relief that can win me over is New Yorkers  
6 shouldn't go and spend their money and lose it  
7 somewhere else, I guess when they could keep it  
8 at home.

9 But I'm much more interested in the  
10 idea of trying to make sure we're doing casino  
11 gambling in a way that we're bringing in money  
12 from outside New York, I'll be very crass about  
13 this, because we're supposed to be excited by  
14 gambling because the state will make money for  
15 education and property tax relief.

16 There are apparently airplanes that  
17 fly into JFK and LaGuardia in Queens County every  
18 day of the week where people get off the  
19 airplanes, go directly onto buses to Connecticut,  
20 and gamble there and stay at the hotels there and  
21 spend money at the restaurants there.

22 So I'm much more interested in  
23 talking about a model where we capture the  
24 tourist dollars that aren't New Yorkers'. But I  
25 don't believe this is going to get us there. I

1 even joked earlier with my staff I probably could  
2 live with casinos that are located directly on  
3 the land at the airport and you have to show a  
4 plane ticket to get into the casino, because then  
5 we know you're bringing new money into our  
6 economy.

7 I heard recently several times  
8 concern about Stewart Airport having only one  
9 airline flying into it. Maybe Stewart Airport  
10 should be the location of the casino with planes  
11 coming directly in, people getting off, staying  
12 at a hotel and going and gambling right there and  
13 then flying away again.

14 Maybe that is a fantasy model of  
15 casino gambling, although again it's much more  
16 the Las Vegas story. Blooming in the desert;  
17 maybe blooming at Stewart Airport.

18 But there are so many concerns for  
19 me in this final bill that we're being given  
20 tonight. We actually had some of it right in the  
21 earlier version, in the Governor's original  
22 program bill up originally on his website, but  
23 too many of the good things have left. Too many  
24 more disturbing things have entered.

25 Yes, it's a gamble. But I don't

1 think it's the right gamble for me. I'll be  
2 voting no, Mr. President.

3 ACTING PRESIDENT CARLUCCI: Thank  
4 you, Senator Krueger.

5 Senator Marchione on the bill.

6 SENATOR MARCHIONE: I rise to thank  
7 the leadership, the Governor and Senator Bonacic  
8 for all the work that they've put into this bill,  
9 and to assure anyone who's concerned that in  
10 Saratoga County not only does county government  
11 say yes, city government has said yes,  
12 Republicans said yes, Democrats said yes.  
13 Everybody is joining forces with the Chamber of  
14 Commerce and anyone else you can think of to say  
15 Saratoga wants the casino.

16 So I just again want to thank you  
17 again, Senator Bonacic, for all the work that  
18 you've put into this.

19 Thank you. I'll be voting aye.

20 ACTING PRESIDENT CARLUCCI: Thank  
21 you, Senator Marchione.

22 Are there any other Senators wishing  
23 to be heard?

24 Senator Parker.

25 SENATOR PARKER: Thank you,

1 Mr. President. On the bill.

2 First let me just thank Senator  
3 Bonacic for all the hard work he's done on this.  
4 He actually gave a very impressive presentation  
5 describing it. It made me want to come down and  
6 go hang out with him at this casino.

7 I'm actually somebody who enjoys --  
8 I go to Las Vegas as well. But what happens  
9 there stays there, so I'm not going to describe  
10 anything more. And I think that it has been an  
11 important model.

12 And as much as I get where I think  
13 the Governor wants to go, and I certainly  
14 understand Senator Bonacic and his desire to  
15 create a sustainable economic development model  
16 for his region and different regions around the  
17 state that would benefit from this work, I think  
18 this is the wrong choice for New York.

19 "A tax on ignorance. I find it  
20 socially revolting when a government preys on the  
21 weakness of its citizenry" rather than serving  
22 them. These aren't my words, these are the words  
23 of Warren Buffett. And that's what I think that  
24 we're doing here.

25 The people of the State of New York

1 are being sold a bill of goods around gambling.  
2 During this period of high unemployment, we are  
3 promised that gamble is a panacea to our  
4 problems. People's economic fears and anxiety  
5 are being preyed when little other economic  
6 opportunity is being offered. We're being told  
7 that casinos will create new jobs in  
8 construction, hospitality, in gaming. However,  
9 just many of our parents warned us as children,  
10 there's no substitute for hard work.

11 I think that Liz Krueger has gone,  
12 Senator Krueger has gone through a number of  
13 questions that I think get to the heart of this,  
14 which is that even though it was an economic  
15 model that worked at one place and at one time,  
16 it does work everywhere. Part of the magic of  
17 Vegas is that there are no other casinos outside  
18 of Nevada. So you look around the area in  
19 Nevada, you know, in the states around Nevada,  
20 there are no other casinos.

21 That's a different dynamic than what  
22 we're creating here in New York. There are  
23 casinos in Connecticut, in Jersey, in Delaware,  
24 in Maryland. There's a lot of competition.  
25 People are going to go to the closest one. So we



1 build the industry there, the exact point that  
2 Senator Krueger is making is absolutely right:  
3 we're simply preying on our own people.

4           And unfortunately, the vast majority  
5 of the people we're going to be preying on are  
6 people who can least afford to be gambling. Rich  
7 people don't gamble. Rich people have enough  
8 money. A game of chance, you know, they go and  
9 they play games. But the people who really make  
10 up the vast majority of those who are going to be  
11 gambling in these facilities, just like the  
12 racinos that exist at this very moment in  
13 Saratoga and in Queens and other places across  
14 our state, the people who are going to them are  
15 poor people and working-class people, people who  
16 are looking for opportunities, you know, to  
17 master the problems at another economic level.

18           The reality is that gambling hurts  
19 our community and our state. The bipartisan  
20 National Gambling Impact Study Commission's final  
21 report concluded that gambling in economically  
22 depressed areas lures individuals with very  
23 limited resources. This is the wrong choice for  
24 New York.

25           Gambling leads to increased taxes, a

1    loss of jobs from the overall region, economic  
2    disruption of other businesses, and increases  
3    crime. Gambling creates large social welfare  
4    costs for society in general and also for  
5    government agencies. In fact, Baylor University  
6    economist Earl Grinols found that casino gambling  
7    generates \$166 in social costs for every \$54 in  
8    economic benefit.

9                    The State of Florida and others who  
10   have studied the costs of gambling concur that  
11   for every dollar that legalized gambling  
12   interests indicate is being contributed in taxes,  
13   it usually costs the taxpayer at least \$3. So,  
14   while these costs will probably be absorbed by  
15   taxpayers, businesses, charities, and social  
16   welfare organizations will also be adversely  
17   impacted.

18                   In fact, the according to the  
19   Washington Post, some states like Delaware are  
20   now being forced to bail out their casinos. It's  
21   reported that New Jersey will also be doing the  
22   same very, very shortly.

23                   To add insult to injury, while  
24   casinos deplete our cash-strapped communities,  
25   major casino developers and operators like

1 Sheldon Adelson will receive hundreds of millions  
2 of dollars in state subsidies. So we're going to  
3 give state subsidies, we're going to help people  
4 get their businesses off the ground, they're  
5 going to rape our communities, particularly the  
6 poorest of those in our community, adding to them  
7 a regressive tax. And then they're going to take  
8 that money -- because those people don't live in  
9 the State of New York -- and they're going to  
10 take it overseas or across the country to some  
11 other place. This is the wrong choice for  
12 New York State.

13           The Governor would rather provide  
14 corporate welfare to multi-billion-dollar foreign  
15 corporations than invest it in education and  
16 sustainable opportunities here at home, where we  
17 have crumbling public institutions like SUNY  
18 Downstate right outside of my district, with  
19 8,000 jobs at risk and countless more in  
20 neighborhoods surrounding the hospital are  
21 hanging in the balance. I can't get money for  
22 SUNY Downstate, but we have money for casinos.

23           Meanwhile, we are jeopardizing the  
24 future of Downstate, which contributes  
25 \$1.3 billion to the state's economy and returns

1     \$12 to the local economy for every dollar spent.  
2     So for every dollar spent at Downstate Medical  
3     Center in Brooklyn, we produce \$12 for the local  
4     economy.

5                 Mr. Governor, let's invest in  
6     Brooklyn. Let's invest in SUNY Downstate, not in  
7     casinos. This is the wrong choice for New York  
8     State.

9                 For over a year I have begged the  
10    Governor and his office to work with us to reach  
11    a meaningful solution. The pleas from my  
12    colleagues in the Senate and the Assembly and the  
13    New York City Council have been ignored. And so  
14    we can't even get a conversation about investing  
15    in Downstate, and we want to close Downstate and  
16    make it smaller, but we're going to invest in  
17    casinos.

18                We're closing an important hospital  
19    like Long Island College Hospital in Brooklyn,  
20    where about 4,000 employees are just being  
21    summarily dismissed from Long Island College  
22    Hospital. We don't have the money to save a  
23    hospital and to shore up a health infrastructure  
24    in the largest county in the state, but we have  
25    money for casinos.

1           Instead of saving thousands of jobs  
2     and supporting a hospital and medical school that  
3     train some of the best doctors and nurses and  
4     other health professionals in the county, the  
5     majority of whom stay in New York, pay taxes in  
6     New York, grow families in New York, the Governor  
7     would rather expand casinos --

8           ACTING PRESIDENT CARLUCCI:     Senator  
9     Libous, why do you rise?

10          SENATOR LIBOUS:     Mr. President, in  
11     all due respect to my colleague here, I'm a  
12     little confused, is he talking about casinos, or  
13     is he talking about hospitals and SUNY? I just  
14     want to make sure that he stays on the subject of  
15     the legislation.

16          SENATOR PARKER:     Mr. President.

17          ACTING PRESIDENT CARLUCCI:     Senator  
18     Parker, are you on the bill?

19          SENATOR PARKER:     On the bill. And  
20     I'm trying to create a juxtaposition between  
21     policies that the Governor is making on the one  
22     hand, he's saying yes to racinos, but he's saying  
23     no to hospitals.

24          SENATOR LIBOUS:     Thank you, Senator  
25     Parker.

1                   ACTING PRESIDENT CARLUCCI:    Senator  
2 Parker on the bill.

3                   SENATOR PARKER:    On the bill.

4                   I'm voting no on this bill,  
5 unfortunately. I would like to see us do  
6 something better. I don't think that casinos are  
7 the answer to the economic problems that we're  
8 seeing around the state. I think that there's a  
9 lot of better things that we could be doing. I  
10 think investments in the state universities I  
11 think is important.

12                   You know, I'm not sure that a  
13 tax-free system is the thing, but we certainly  
14 need to be looking at how we invest around the  
15 state. We certainly have an agricultural  
16 infrastructure that we certainly could be  
17 bolstering and figuring out how to put those  
18 resources and those products that are made  
19 upstate into the biggest market in the country,  
20 which is New York City. And that's a way that we  
21 could in fact boost our economy around the  
22 state. I would love to have a real conversation  
23 about how we do that.

24                   But I know that supporting gambling  
25 at this time with this particular proposal is not

1 the way to go. And I'm committed to a One  
2 New York where everybody has an opportunity to  
3 develop a sustainable economy.

4 Thank you, Mr. President. I vote  
5 no.

6 ACTING PRESIDENT CARLUCCI: Thank  
7 you, Senator Parker.

8 Senator Hoylman on the bill.

9 SENATOR HOYLMAN: Thank you,  
10 Mr. President.

11 There's a saying that goes that  
12 gambling is the surest way of getting nothing for  
13 something. And I would equate this proposal with  
14 that, because I think we are not looking closely  
15 enough at the societal costs to expanding the  
16 gambling franchise throughout the state.

17 You know, there are a number of  
18 studies, and my colleagues have mentioned a few.  
19 But as a general rule it's seen that the social  
20 costs of gambling have exceeded social benefits  
21 by a factor of three to one. And each  
22 pathological gambler is associated with annual  
23 social costs on the order of \$13,000.

24 A study in Iowa before they  
25 introduced casinos found that 1.7 percent of the

1 population suffered from problem gambling. The  
2 comparable numbers from Nevada measured in  
3 2000-2001 are 6.4 percent, and 3.5 percent of  
4 those folks are pathological.

5 Now, I know this chamber has talked  
6 about even introducing problem gambling into our  
7 public school regimen, and I find that very  
8 distressing that we're even considering our young  
9 people in terms of this industry.

10 The real industry, Mr. President,  
11 that I think we need to look at, the industry  
12 that is going to create 21st-century jobs -- they  
13 aren't going to be at the blackjack tables or the  
14 craps or playing roulette, they are going to be  
15 in bioscience and green tech and information  
16 technology. Those are the jobs that we need to  
17 develop in New York State. Those are the jobs  
18 that come through improving our infrastructure,  
19 investing in our public education system, and  
20 improving our transportation network.

21 And this is, I think, incredibly  
22 misplaced, Mr. President, to think that we're  
23 going to get the bang for the buck out of this  
24 plan. I think the Governor is right to think in  
25 terms of his START-UP New York plan. Although I



1 have reservations about it, I think it at least  
2 has the foresight in developing new industries.  
3 But we've seen across the country, we've seen in  
4 different parts of the world that communities  
5 that have casinos suffer. The jobs are illusory,  
6 they're short-term, they're low-paying, and  
7 benefits do not accrue to the local  
8 neighborhoods.

9 So I'll be opposing this bill,  
10 Mr. President.

11 ACTING PRESIDENT CARLUCCI: Thank  
12 you, Senator Hoylman.

13 Senator Bonacic to close the debate.

14 SENATOR BONACIC: Let me start off  
15 by first of all thanking you for sharing your  
16 concerns, my colleagues.

17 Under this legislation there's \$500  
18 per slot machine per year to go for addictions  
19 that may come from gaming. So there will be a  
20 fund to address any of those addictions.

21 I want to tell you a little story.  
22 About six years ago in Sullivan County, about  
23 \$90 million was spent, the state put \$15 million  
24 in. And there was a gentleman by the name of  
25 Allan Gerry, he built a performing arts center.

1 And he brought entertainment in from all over the  
2 United States, and the capacity is about 17,000.  
3 Okay? That performing arts center is now ranked  
4 15th in the world as the best performing arts  
5 center.

6 People come to the Catskills. They  
7 come upstate. They drive from Jersey. They  
8 drive from Pennsylvania. They come up from the  
9 south. They come from Connecticut. They go to  
10 the Adirondacks. They go to the wineries. And  
11 they come from all over in the winter to ski. We  
12 have three ski resorts.

13 What I'm saying is people come from  
14 other states in tourism to visit New York. Lake  
15 Placid. I could go on and on. Cooperstown. So  
16 we do have attractions that come from other  
17 states. It's not so much about gaming, the  
18 concentration. It's about building recreation  
19 resorts.

20 I tried to tell you that Vegas story  
21 that seven out of eight that go to Vegas don't  
22 gamble. They enhance their recreation and their  
23 quality of life by making choices, a variety.  
24 You get entertainment in to seek different types  
25 of music, different kinds of forum. And that's

1 in close proximity to 10 million people in the  
2 metropolitan area. And another point. When I  
3 spoke to Foxwoods, I said, How much comes from  
4 gaming? They said maybe 85 percent. I said  
5 that's high. You talk to MGM, 50 percent of  
6 their revenues don't come from gaming. They come  
7 from all the ancillary things -- the vendors with  
8 the restaurants, the shops, the entertainment,  
9 the golf, the sports, the shows. That's a  
10 quality of life that give people choices. And  
11 it's about jobs, jobs, jobs.

12 So I'm going to ask my colleagues to  
13 support this. Let the people decide. Let them  
14 decide about taking their money out of New York,  
15 going to Pennsylvania, Massachusetts, New Jersey  
16 or Connecticut. It's going out of the state for  
17 them to gamble. And most of those places around  
18 New York are strictly gambling venues. They're  
19 not entertainment resort venues.

20 And the game plan of the Governor  
21 that were envisioned for New York is resort  
22 destinations where families can enjoy  
23 themselves. Because we have the whole package.  
24 You can't go to Vegas in the summer and not stay  
25 in an air-conditioned place or a pool. It's 115

1 degrees. You can't go to Atlantic City in the  
2 winter and go outside. And if you walk off that  
3 boardwalk, you'd be mugged.

4 So we have the whole package in  
5 New York when I talk of hiking, fishing, biking,  
6 skiing, family entertainment. That's the game  
7 plan.

8 So I ask you -- I know there's been  
9 a lot of rhetoric about the gaming, but there's  
10 much more to this plan which the Governor  
11 envisioned which I support. And I say, let the  
12 people decide. Sullivan County has been waiting  
13 for 40 years to let the people decide. It would  
14 be an historic event. I trust the wisdom of the  
15 people.

16 Thank you, Mr. President.

17 ACTING PRESIDENT CARLUCCI: Thank  
18 you, Senator Bonacic.

19 The debate is closed. The Secretary  
20 will ring the bell.

21 The Secretary will read the last  
22 section.

23 THE SECRETARY: Section 52. This  
24 act shall take effect immediately.

25 ACTING PRESIDENT CARLUCCI: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CARLUCCI: Senator  
4 Maziarz to explain his vote.

5 SENATOR MAZIARZ: Thank you very  
6 much, Mr. President.

7 Just very briefly, I want to first  
8 of all say that I very much appreciated Senator  
9 Bonacic's explanation of the bill, all 45 minutes  
10 of his explanation.

11 (Laughter.)

12 SENATOR MAZIARZ: I do want to say,  
13 though, that this was a Governor's program bill.  
14 But Senator Bonacic and his staff worked very  
15 hard with the Governor's office to come to the  
16 conclusion where we're at today.

17 And I represent the City of  
18 Niagara Falls, where there's a casino today, and  
19 I represent some of the area along with Senator  
20 Young and the other representatives of Western  
21 New York, involving the Seneca Nation. And,  
22 Senator Bonacic, I want to express our public  
23 appreciation to you for keeping the best  
24 interests of Western New York in mind at all  
25 times.

1                   I do want to mention something that  
2   I don't think was mentioned here during the  
3   debate today, and that is the three Native  
4   American nations that also contributed to the  
5   good spot where we are in today, the potential of  
6   a great deal of revenue. Chief Ron LaFrance and  
7   Chief Paul Thompson of the St. Regis Mohawk  
8   Nation in the North Country; the Senecas, Barry  
9   Snyder and the Seneca Tribal Council in Western  
10   New York; and Ray Halbritter and the Oneida  
11   Nation in Central New York and the Finger Lakes  
12   region.

13                  I worked, I know, through the Native  
14   American Select Committee with all of these  
15   Native American nations on several issues, gaming  
16   being only one of them, and they were all  
17   extremely cooperative.

18                  The deal that the Governor struck  
19   with these three nations, I have to tell you I  
20   was very skeptical in the beginning that it could  
21   be done. But through his hard work and diligence  
22   it was done, with the assistance of Senator  
23   Bonacic, and I publicly thank him and  
24   congratulate him.

25                  Thank you, Mr. President. I vote in

1 the affirmative.

2 ACTING PRESIDENT CARLUCCI: Thank  
3 you, Senator Maziarz.

4 Senator Tkaczyk to explain her vote.

5 SENATOR TKACZYK: I rise to  
6 congratulate Senator Bonacic. I know he worked  
7 tirelessly on this issue and to get this bill to  
8 chambers today. And I just wanted to reach out  
9 and say thank you, Senator, you've worked hard,  
10 and we look forward to seeing one in the  
11 Catskills.

12 Thank you. And I vote aye.

13 ACTING PRESIDENT CARLUCCI: Thank  
14 you, Senator Tkaczyk.

15 Senator Ranzenhofer to explain his  
16 vote.

17 SENATOR RANZENHOFER: Thank you,  
18 Mr. President.

19 I'd also like to congratulate  
20 Senator Bonacic, who did a very, very nice job  
21 with the very thorough explanation.

22 And one of the things that intrigued  
23 me is you heard a lot of positives and you've  
24 heard a lot of negatives about the bill. But one  
25 of the great things about this ultimate decision

1 is the people of the State of New York don't get  
2 to vote on a lot of things. They don't get to  
3 vote on the budget. They don't get to vote on a  
4 lot of issues that come before the Legislature.  
5 But they're going to get a chance to vote on this  
6 issue.

7                   And the smartest people in the world  
8 are the people that are out there and that we  
9 represent. And I trust that they will make an  
10 informed decision, and they are the best people  
11 to ultimately make this decision. That's why  
12 I'll be supporting this resolution to give the  
13 people a chance to finally make a decision on a  
14 policy for the State of New York.

15                   Thank you, Mr. President.

16                   ACTING PRESIDENT CARLUCCI: Thank  
17 you, Senator Ranzenhofer.

18                   Senator Larkin to explain his vote.

19                   SENATOR LARKIN: Thank you,  
20 Mr. President.

21                   I too would like to say to John  
22 Bonacic, I thank you for all the extra hours that  
23 you committed to make sure that we got a bill  
24 that we should all understand.

25                   And you know, there's many bills we



1 have here, we basically know something about  
2 them. The presentation tonight by John Bonacic  
3 of what the bill was all about, if you were  
4 paying attention, it covered everything from A to  
5 Z. Told you why we were doing, what we were  
6 doing, what the Governor's input was, what was  
7 the input from the Senate, how the working was  
8 between the Senate, the Governor, and the  
9 Assembly.

10 And it also did the bottom. Mike  
11 Ranzenhofer just covered that. There's some of  
12 you that won't like it. You know, you could sit  
13 here every day of the week in session and you'll  
14 find bills that you don't like and somebody else  
15 will like. But this is a bill that gives us an  
16 opportunity.

17 We talk about making more money  
18 available for schools, we talk about jobs, we  
19 talk about education. Here's a golden  
20 opportunity. And as Mike Ranzenhofer said, the  
21 biggest thing here is the people of the State of  
22 New York are going to have a vote on it.

23 John, I thank you from the bottom of  
24 my heart. You've done an outstanding job, and  
25 you deserve the praise of everybody in this state

1 {clapping}.

2 ACTING PRESIDENT CARLUCCI: Thank  
3 you, Senator Larkin.

4 Senator Hassell-Thompson to explain  
5 her vote.

6 SENATOR HASSELL-THOMPSON: Thank  
7 you, Mr. President.

8 I won't be as long as some of my  
9 colleagues, but I would like to congratulate  
10 Senator Bonacic, and also I'd like to  
11 congratulate the Governor.

12 One of the things that Senator  
13 Maziarz, Senator Kennedy and I were very  
14 concerned about was that in this arrangement that  
15 the compact with the Native Americans would be  
16 honored and respected. And so I can very clearly  
17 say that this bill reflects that.

18 And I think that even though there  
19 are people who cannot and don't support gambling,  
20 for those of us who live and let live, I think  
21 we've got the best possible bill that we could  
22 get and I thank you very much for your work on  
23 it.

24 ACTING PRESIDENT CARLUCCI: Thank  
25 you, Senator Hassell-Thompson.

1                   Senator Stavisky to explain her  
2     vote.

3                   SENATOR STAVISKY:    Thank you,  
4     Mr. President.

5                   I'm not a gambler, but that doesn't  
6     mean that other people shouldn't have the right  
7     to gamble.

8                   And I want to thank Senator Bonacic  
9     not just for his presentation, but for his  
10    passion, for his caring about an issue that is  
11    important to him and to the state.

12                  I vote aye.

13                  ACTING PRESIDENT CARLUCCI:    Thank  
14    you, Senator Stavisky.

15                  The Secretary will announce the  
16    results.

17                  THE SECRETARY:    Those recorded in  
18    the negative on Calendar Number 1590 are Senators  
19    DeFrancisco, Espaillat, Hoylman, Krueger,  
20    LaValle, Marcellino, Nozzolio, Parker, Perkins,  
21    Rivera and Sanders.

22                  Those absent from voting:    Senators  
23    Diaz, Peralta and Sampson.

24                  Ayes, 48.   Nays, 11.

25                  ACTING PRESIDENT CARLUCCI:    Senator

1 O'Brien, why do you rise?

2 SENATOR O'BRIEN: I had wanted an  
3 opportunity to explain my vote as well.

4 ACTING PRESIDENT CARLUCCI: Senator  
5 O'Brien to explain his vote.

6 SENATOR O'BRIEN: Thank you.

7 The bill before us has some very  
8 significant and important revisions from what was  
9 originally discussed just a few years ago, and in  
10 a couple of important ways. One of those is the  
11 tax on gaming revenues that casinos will pay to  
12 the State of New York. And of course that's very  
13 important because the revenues that the state  
14 receives, 80 percent of that is going to go to  
15 fund primary and secondary education.

16 The original discussion was talking  
17 about a 25 percent tax on gaming revenues, and  
18 that's now been accelerated to a range of 37 to  
19 45 percent. And that is really a truly  
20 significant change. And if we're ever going to  
21 see the kind of release of some of the stress and  
22 pressure on property taxpayers in school  
23 districts around the state, we have to find new  
24 revenue sources. And this looks like a really  
25 good revenue source.

1                   And the second significant  
2     revision -- and I'm sure Senator Bonacic deserves  
3     a lot of credit for this -- is the recognition of  
4     the need to protect the racinos in the area  
5     because they have actually a much higher tax on  
6     gaming revenues, something in the area of  
7     65 percent, and a hundred percent of that goes to  
8     fund education.

9                   So it's very, very critical to make  
10    sure we didn't erode education support. And if  
11    we were really going to be serious about finding  
12    ways to protect school property taxpayers, which  
13    has to be one of our most significant efforts if  
14    we're going to solve some of the problems we have  
15    upstate, we have to find new revenues to help  
16    fund education.

17                  I agree with many of the speakers  
18    here tonight, some pro and some against gaming.  
19    But everybody I think agrees on the need to fund  
20    education, that education is ultimately so  
21    fundamentally important to our progress,  
22    particularly upstate.

23                  And so I commend Senator Bonacic. I  
24    think he's done an excellent job on moving this  
25    forward. I appreciate his very detailed

1 explanation at the start.

2 And I vote yes. Thank you.

3 ACTING PRESIDENT CARLUCCI: Thank  
4 you, Senator O'Brien.

5 Will the Secretary announce the  
6 results.

7 THE SECRETARY: Ayes, 48. Nays,  
8 11.

9 ACTING PRESIDENT CARLUCCI: The  
10 bill is passed.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number  
13 1591, substituted earlier by Member of the  
14 Assembly Silver, Assembly Print Number 8113, an  
15 act to amend the Economic Development Law.

16 ACTING PRESIDENT CARLUCCI: Senator  
17 Krueger on the bill.

18 SENATOR KRUEGER: Thank you,  
19 Mr. President.

20 Given the time of night, I will skip  
21 the explanation of the bill.

22 This is the bill that was originally  
23 called the Tax Free Zone Program. It's a  
24 fascinating situation here for me tonight on the  
25 floor of the Senate, because it's an extremely

1 rare time where I actually find myself in  
2 agreement with the Manhattan Institute, E.J.  
3 McMahon, conservative economists, groups who  
4 normally I would find myself on the opposite end  
5 of the spectrum from.

6           And yet this bill has clearly  
7 brought out my free-market capitalist, because I  
8 take a look at this bill, I understand what the  
9 implications are, and I say egads, don't do this,  
10 please. Don't create two systems in New York  
11 State, those who pay taxes and those who don't.  
12 Don't set up a new Empire Zone on speed with all  
13 the potential for the mistakes of the Empire Zone  
14 system.

15           Don't tell our SUNY and CUNY  
16 campuses that you have to spend your money  
17 building the buildings and the infrastructure for  
18 private businesses who will then be on that land  
19 and use that space, not pay taxes, potentially  
20 redirect the missions of your campuses,  
21 potentially make huge amounts of money, none of  
22 which could go to you as partners in the work,  
23 partners in the success.

24           No established requirements for any  
25 kind of shared revenue from the successes of

1 businesses, while meanwhile no patent rights,  
2 while meanwhile you're setting up a system where  
3 people in theory are creating new jobs, new  
4 businesses.

5 As long as they're not in the same  
6 zone with somebody who's already been here doing  
7 it, they get a complete competitive advantage  
8 over you, New York State business who's already  
9 been trying and struggling to be successful. So  
10 if you're here and they move there, they move  
11 into there and they haven't been here before,  
12 they get tax-free, they get their personal income  
13 tax-free, they get their property tax, sales  
14 tax.

15 Plus the areas where the intended  
16 businesses will be targeted are actually some of  
17 the areas struggling the most, absent --

18 SENATOR LIBOUS: Mr. President, can  
19 we have a little order? As sponsor of this bill,  
20 I'd like to hear what Senator Krueger has to say.

21 ACTING PRESIDENT CARLUCCI: Can we  
22 have some order in the chamber. Please take  
23 conversations outside.

24 SENATOR LIBOUS: Thank you,  
25 Mr. President.



1                   ACTING PRESIDENT CARLUCCI:    Thank  
2   you.   Thank you, Senator Krueger.

3                   SENATOR KRUEGER:    Thank you.

4                   That the areas where these  
5   businesses will be starting up are the areas that  
6   are actually suffering from the greatest shortage  
7   of property tax revenue and sales tax revenue.  
8   And so these specific areas who may be in the  
9   most trouble will virtually have any new economic  
10  activity for up to 10 years giving them no  
11  revenue, no tax revenue.   There will be new  
12  expenses if there are new people there, if  
13  there's new businesses, if there's more drains on  
14  their public services, on their water, on their  
15  sewers, on their educational systems.   But nobody  
16  will be paying them tax revenue.

17                  Just to highlight a few additional  
18  specific concerns, there's no public processes  
19  associated with approving the businesses.   The  
20  university's plan must be given to the student  
21  government and municipality, but it doesn't  
22  really matter how they respond.   Private  
23  universities even have less of an obligation to  
24  have any participation in approvals.

25                  It doesn't appear there's clawbacks

1 mandatorily. Based on a case by case negotiation  
2 between the university and the business  
3 applicant, they can decide to have a clawback  
4 and/or keep a business out of the program for one  
5 year or more. Clawbacks should be mandatory.

6           There's no reference to New York's  
7 carbon reduction plan, so that all kinds of  
8 things can be built out of the context of smart  
9 growth, costing the universities money but not  
10 actually providing any revenue to the  
11 universities. There's no requirements for  
12 prevailing wage or for MWBE at private  
13 universities.

14           The annual reports and details  
15 supposed to be publicly available is completely  
16 inadequate, as we've seen from so many of our  
17 other economic development models. And so really  
18 we'll be able to track what's going on? I think  
19 not.

20           So the locality has the potential to  
21 lose an enormous amount of property tax, sales  
22 tax. And at least in New York City and Yonkers,  
23 they have to give up their personal income tax  
24 also, and nobody is asking them whether they have  
25 a say in that. Again, there's no mechanism or

1 provisions for intellectual property rights or  
2 patents developed under this program.

3           You can actually be qualified and  
4 only required to create one job. I don't really  
5 see that as a great job-creation model. There's  
6 no target of how many jobs we actually expect we  
7 can create. There's some improvements from the  
8 old days about not letting businesses  
9 shirt-change, and yet I'm pretty sure we'll see  
10 shirt changing, just under a new name. That  
11 means somebody exists already but they change  
12 their corporate structure or they close and  
13 reopen under a new name and then they apply to  
14 get these benefits.

15           The irony to a certain level is I  
16 think a lot of us here recognize that what we've  
17 been doing in economic development for decades  
18 hasn't really benefited who we want it to  
19 benefit. Who creates jobs in New York State?  
20 Small businesses. Businesses under 25 people are  
21 the businesses that actually create new jobs.  
22 And yet I've been here for 11 years watching and  
23 wondering when we would ever actually do any  
24 economic development programs that would really  
25 matter for the small start-up businesses.

1                   We spend a huge amount of money in  
2                   economic development. We currently give  
3                   businesses nearly \$7 billion a year, \$7 billion a  
4                   year, in tax breaks, grants, and other forms of  
5                   preferential treatment, \$3.7 billion in tax  
6                   credits and exemptions, \$2.2 billion in grants,  
7                   and a billion dollars in other categories.

8                   I actually think if we eliminated  
9                   these existing tax exemptions, tax breaks and  
10                  grants, we could easily reduce taxes across the  
11                  board on businesses throughout the State of  
12                  New York. Hmm. That sounds like really good  
13                  idea, reduce taxes on businesses across the State  
14                  of New York. It would mean we would be evening  
15                  the playing field instead of going one giant step  
16                  further down the road of those who pay taxes and  
17                  those who don't.

18                  I might even be convinced that  
19                  eliminating all the tax breaks and reducing the  
20                  tax rate is such a good idea that I've heard my  
21                  colleagues on the other side of the aisle say  
22                  exactly that.

23                  What if we had a state with lower  
24                  tax rates but no preferences or priorities? The  
25                  opportunities within this law for I'm your best

1 friend, I get into the tax-free zone; I argued  
2 with you, I don't. The concept that yes, we want  
3 to draw more people into New York State to create  
4 new businesses -- but do we really want to tell  
5 people who are here running businesses, working  
6 hard, trying to expand their businesses and their  
7 jobs, that actually you probably stand no chance  
8 of getting ahead because these guys over here  
9 were lucky enough to qualify to fit into the  
10 tax-free New York areas?

11 It's just the wrong idea. There are  
12 technically so much things I could highlight.  
13 But again, I just urge people not to pass this  
14 bill. Go back to the drawing board. Look at the  
15 lessons from what we have done wrong in the past  
16 and realize too much of this bill is in fact  
17 things we have done before.

18 I would love to see programs to  
19 expand our economy, even the playing field, be  
20 able to decrease taxes. But in fact I think we  
21 go down the wrong road with casino gambling, as I  
22 just explained extensively before. I think we  
23 would go further down the wrong road by passing  
24 this into law -- although perhaps the casinos  
25 could locate on the SUNY and CUNY campuses so

1 they could be tax-free and we could really  
2 increase the win of all these great ideas.

3 It's late. I could go on -- as you  
4 all know, I can go on. But in fact I don't think  
5 it requires anything else. Please don't pass  
6 this bill. This is the wrong answer for New York  
7 State.

8 Thank you, Mr. President.

9 ACTING PRESIDENT CARLUCCI: Thank  
10 you, Senator Krueger.

11 Senator Rivera on the bill.

12 SENATOR RIVERA: Thank you,  
13 Mr. President.

14 Would the sponsor -- I'm just  
15 kidding.

16 (Laughter.)

17 SENATOR RIVERA: I could take a lot  
18 of time asking questions of Senator Libous, but  
19 first of all I'll say that we'll have many, many  
20 more times over the next couple of years, from  
21 now until a long time from now, to make sure that  
22 we ask each other a lot of questions. I'll just  
23 speak on the bill, Mr. President.

24 I understand the purpose of the  
25 bill. The purpose of the bill, clearly stated,

1 is to make sure that areas of the state that have  
2 been economically ravaged, that have been  
3 impacted by a weak economic situation, are made  
4 better, are made whole. Jobs can be created in  
5 these places. And I certainly support that. But  
6 I do not believe that this is the way to do it.

7 Many of the technical aspects of the  
8 bill were discussed by Senator Krueger, so I will  
9 not do that. But I will say that the reason that  
10 I oppose this bill -- and I encourage my  
11 colleagues to do the same -- is that I have a  
12 fundamental issue with the main idea here.

13 We've discussed many times on this  
14 floor cutting taxes does not automatically create  
15 jobs. And when I say that, I say that not just  
16 because of what I think or what I believe but  
17 what I know and what has been found in studies  
18 from Princeton or Stanford with folks that know  
19 much more about this than I do, from states as  
20 far as away as Texas or Iowa or New Jersey or  
21 California.

22 The way to create jobs -- certainly  
23 taxes have something to do with it. But just for  
24 one second let's focus on the tax aspect of this,  
25 the loss of revenue here. There was an argument

1     that was made earlier to me today about the fact  
2     that this is not a tax cut, but because we're  
3     saying you're going to create jobs and then the  
4     folks that are either in these localities or  
5     create jobs are not going to get taxed.

6                 Well, the fact is that as we've  
7     heard from a couple of our colleagues here just  
8     today, we have to expand the tax base of  
9     localities all across the state so be able to  
10    generate revenue so that the communities and  
11    localities can do what they need to do, so  
12    governments can do what they need to do.

13                So this will not expand the tax  
14    base. This will actually make it less likely  
15    that these localities will see any of these taxes  
16    go to them. What we're talking about is if we  
17    want to create jobs, if we want to make sure that  
18    we have good economic conditions in places of the  
19    state that have been ravaged, as I said earlier,  
20    by our economic downturn, tax cuts might be a  
21    part of the solution.

22                But we need to consider that when  
23    people are making choices about where they put  
24    their businesses, they consider the distance to  
25    their suppliers, the distance to the markets,



1 housing prices for their workforce, whether they  
2 have a highly educated and skilled workforce.

3 Which, by the way, would be made  
4 more possible if we invested more fully in the  
5 public higher education system that we have in  
6 our state. Which this, to say the least, does  
7 not do, and as a matter of fact lessens the  
8 ability of some of these institutions to grow  
9 because it takes part of the space of some of  
10 these institutions away and hands them off to  
11 some mysterious company. We don't know who those  
12 companies are going to be.

13 But distance to suppliers, distance  
14 to market, housing prices, highly educated and  
15 skill workforce. Infrastructure. Whether we're  
16 talking about energy, about transportation  
17 infrastructure, communication infrastructure --  
18 all of those things, ladies and gentlemen, which  
19 require government expenditures.

20 Yes, of course, I am a tax-and-spend  
21 liberal. We've discussed it many times on this  
22 floor. But the point that I think none of you  
23 can deny is that for businesses to not only be  
24 successful but to thrive and to want to go to the  
25 different parts of the state that you all

1 represent, having these basic things, having  
2 infrastructure of energy, of transportation, of  
3 communications, these are the things that will  
4 make certain that businesses go to these places.

5           And finally, the idea that we will  
6 actually have, during times of economic downturn,  
7 to provide tax breaks or in this case to take  
8 taxes away altogether, it is actually going to do  
9 the opposite of what we want it to do. During  
10 times of economic downturn, having less revenue  
11 for the state means less investment from the  
12 state and government, which means we will have  
13 these things that I mentioned, which provide some  
14 long-term benefits and will attract businesses to  
15 different parts of the state. We're not doing  
16 these investments.

17           So ultimately, ladies and gentlemen,  
18 to be able to do the things that we need to do in  
19 different parts of the state that have been  
20 ravaged by our economic downturn, to provide  
21 tax-free havens for 10 years for companies that  
22 we don't even know if they exist yet, with some  
23 vague language about potentially the mission of  
24 these academic institutions matching what these  
25 companies can potentially do -- not to mention

1 the impact that it's going to have on companies  
2 that already exist and that don't have the  
3 benefits that these companies will receive on  
4 taxes -- these are not the things that are going  
5 to create jobs.

6 Let's make sure that we commit  
7 ourselves to reinvestments in infrastructure, in  
8 higher education, in effective and well-staffed  
9 police forces and fire forces all over the  
10 state. These are the things that will make sure  
11 that we have a strong place that economies can  
12 grow and that jobs can grow.

13 This plan, unfortunately, just does  
14 one small thing and does not do it right. It  
15 gives too much to companies. It gives too much  
16 to some mysterious entities we don't even know if  
17 they're even going to create jobs.

18 So I'm sorry to say, Senator Libous,  
19 and I'm sorry to say, Mr. President, I must vote  
20 no on this bill.

21 Thank you.

22 ACTING PRESIDENT CARLUCCI: Thank  
23 you, Senator Rivera.

24 Senator Latimer.

25 SENATOR LATIMER: Thank you,

1 Mr. President. On the bill.

2 I've only been in this chamber for a  
3 few months, and one of the things that I always  
4 think about is that many prominent people served  
5 in this chamber for many, many years. The one  
6 that I always think about -- his bust is right  
7 outside -- is Franklin Delano Roosevelt. I don't  
8 know where he sat in this chamber, and he was a  
9 very young man when he served here. But I think  
10 about him because I'm sure his political  
11 philosophy wasn't locked in in those first couple  
12 of years that he spent in this chamber.

13 But when I think of what we're doing  
14 here tonight on this issue and on the prior  
15 issue, I think about Franklin Roosevelt as  
16 president of the United States. This is not a  
17 long history story. He did a lot of things that  
18 nobody had done before him -- some of them  
19 worked, and some of them didn't -- during the  
20 Depression. But the one thing that he did do is  
21 he gave Americans hope because he tried  
22 innovative things.

23 I don't know if this plan in the  
24 long run is going to work or not. I don't know  
25 if the casinos in the prior issue in the long run

1 are going to produce the result that we hope  
2 for. And I don't think that these two things  
3 together are the panacea to the needs of  
4 upstate.

5 But I do know that we have to try.  
6 I do know that we have to innovate and we have to  
7 take risk. I do know about risk from my corporate  
8 career. I do know about risk, giving up a safe  
9 seat in the other house to run for this seat.

10 So the bottom line is that when I  
11 look at something that I can't be sure of, I ask  
12 myself is it a worthy effort to try. And I think  
13 it is. I think we have to try. If this plan  
14 helps some business in Cobleskill on the campus  
15 of SUNY Cobleskill, then it's worked.

16 And that may not happen, but I'm  
17 willing to take that risk. And I will vote aye.

18 ACTING PRESIDENT CARLUCCI: Thank  
19 you, Senator Latimer.

20 Senator Libous to close the debate.

21 SENATOR LIBOUS: Thank you,  
22 Mr. President.

23 I have not gotten up on the floor  
24 too often to speak this year other than to say  
25 "accept the Resolution Calendar" or whatever. So

1 I'm going to ask my colleagues, and the hour is  
2 late, to just indulge me on this legislation  
3 because it's something that I think is extremely  
4 important. And while I certainly respect my  
5 colleagues who have differing opinions, I'm going  
6 to pick up where Senator Latimer left off.

7           This state of ours, which is a great  
8 state, does have some problems. And one of the  
9 problems, particularly upstate, is job creation  
10 and generation. And we are losing people in  
11 upstate New York. We are losing people quickly.  
12 They're going to other states because of other  
13 opportunities and particularly job  
14 opportunities. You know, we're 49th out of 50  
15 when it comes to manufacturing. We're 49th out  
16 of 50 when it comes to the highest taxes. Our  
17 ratings are disgusting. And I don't know what  
18 we've done over the years, but obviously it's not  
19 working. Maybe we're all to blame for that. But

20           I think we have a choice here. We  
21 have a choice to take something that we have that  
22 is very positive and feed off it, and that's our  
23 university system. We are very blessed in this  
24 state because we have one of the best in the  
25 nation. Maybe in the world, for that matter.

1 The SUNY/CUNY system is outstanding. Our  
2 community college system is outstanding. And  
3 what this program does is it builds off of  
4 success. And that's how you create things.

5 I see this as the glass half full,  
6 not half empty. Yeah, we can pick it apart and I  
7 can find some problems with it. I've had  
8 constituents who have called; you know, they've  
9 got issues with different concepts. But then I  
10 stop and I say to them: So what recommendations  
11 can you give me to create jobs?

12 We have a 9 percent unemployment  
13 rate in the Southern Tier. We're bleeding, we're  
14 hemorrhaging. We have one of the best SUNY  
15 systems, SUNY Binghamton. Many of you send your  
16 families up to Binghamton University. Senator  
17 Fuschillo's son just graduated there. Didn't get  
18 in trouble once; he was a good boy. He left, he  
19 didn't say stay. He went back to Long Island.

20 But my point is we need to keep  
21 those kids. We need to create opportunities for  
22 them in upstate New York. Or in New York State,  
23 period. But we lose them. They go elsewhere.  
24 They go to Connecticut, they go to Texas, they go  
25 to Arizona. And they go to places because

1 companies are growing there because they have low  
2 taxes or no taxes. They have opportunity.

3 This to me is very simple. We take  
4 the university system that is one of the finest  
5 university systems in the country, and we work  
6 off it. We take what it builds for us and we  
7 work off it. Yeah, there's some question here.  
8 I've had some businesspeople say to me, Well,  
9 yeah, you're going to give taxes. I have to pay  
10 taxes. Yeah, you do.

11 But every now and then we have to  
12 come with something creative. I think Senator  
13 Latimer said it. I don't know if it's going to  
14 work, but it's better than what we have now  
15 because nothing is working. We're starving.  
16 There are no jobs. People are leaving. It's  
17 pretty sad when I have to agree with a casino  
18 bill because that might create jobs in upstate  
19 New York.

20 It's the difference between poverty  
21 and prosperity. Right now, my friends, we have  
22 poverty in upstate New York. We have people that  
23 need to go to work. We have people who we need  
24 to give hope to. And that's really the key issue  
25 here, hope. This is a plan that gives hope.



1 It's an opportunity to create new jobs, new  
2 businesses.

3                   Yeah, it's going to cost us  
4 something. Yeah, we're going to give them free  
5 land on a SUNY campus. They don't pay taxes now  
6 if you have a SUNY campus. Okay, we're going to  
7 give them sales tax exemptions. Many of our IDAs  
8 do that now anyway. We already do most of those  
9 things. And the big thing here is, oh, my  
10 goodness, they're not going to pay income tax.  
11 Yeah, that's right. A lot of states around us  
12 don't have income tax, and they're knocking our  
13 socks off.

14                   So I say to you let's take this  
15 great university system we have, let's take the  
16 outstanding kids that graduate in biotechnology,  
17 engineering sciences, healthcare sciences, and  
18 let's create opportunities for them to stay in  
19 New York State. I want to them to all stay in  
20 upstate, but I understand that they're not.  
21 There's opportunities here for downstate.  
22 There's a lot of opportunities here for the whole  
23 state, for all of us.

24                   So, Mr. President, I think this is a  
25 fantastic bill. I think this is an opportunity

1     that is before us that we haven't had in this  
2     state in a long time. Because nobody has shown  
3     me a better plan. Nobody in this chamber has  
4     shown me a better plan. This is a plan that was  
5     crafted by the Governor and this house, and I  
6     think it's a great plan. And until somebody  
7     shows me something better, I agree with my  
8     colleague Senator Latimer. We've got to try  
9     something. We've got to give it a shot. Because  
10    people need hope. People need opportunity.  
11    People need a chance to work in this state and  
12    stay in this state.

13                 So, Mr. President, if you haven't  
14    figured it out yet, I vote aye. And I would  
15    encourage my colleagues to join me and to give  
16    the people of this state hope and opportunity.

17                 ACTING PRESIDENT CARLUCCI: Thank  
18    you, Senator Libous.

19                 The debate is closed. The Secretary  
20    will ring the bell.

21                 The Secretary will read the last  
22    section.

23                 THE SECRETARY: Section 3. This  
24    act shall take effect immediately.

25                 ACTING PRESIDENT CARLUCCI: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CARLUCCI: Senator  
4 LaValle to explain his vote.

5 SENATOR LaVALLE: Thank you,  
6 Mr. President.

7 I rise to support this legislation.  
8 And this is another incremental step --

9 ACTING PRESIDENT CARLUCCI: Excuse  
10 me. Can we have some order in the house. Please  
11 take conversations outside. Senator LaValle has  
12 the floor.

13 SENATOR LaVALLE: This is another  
14 incremental step in a vision to move this state  
15 by using the universities of SUNY, CUNY and the  
16 private-sector colleges. We have made  
17 investments in the intellectual capital by making  
18 sure our professors and graduate students have  
19 what it takes to stay here and be able to partner  
20 with businesses.

21 We have made a physical commitment.  
22 If you travel the state and look at the SUNY  
23 campuses, the CUNY campuses and the independent-  
24 sector campuses, that is an investment that we  
25 have made that will be helpful in linking

1 businesses with the colleges.

2 And so the first step was SUNY  
3 2020. In this budget we did SUNY 2020 II,  
4 another \$60 million commitment; CUNY 2020. And  
5 we have made capital investments in our  
6 independent colleges. And so the investments  
7 have been there, and now we are linking it with  
8 businesses that will be start-up companies that  
9 will really yield additional jobs.

10 I know this will work because  
11 already, already -- and this legislation has not  
12 passed -- companies are exploring and making  
13 inquiries about coming to the college campuses.

14 I vote aye.

15 ACTING PRESIDENT CARLUCCI: Senator  
16 LaValle to be recorded in the affirmative.

17 Senator Parker to explain his vote.

18 SENATOR PARKER: Thank you,  
19 Mr. President, to explain my vote.

20 I don't even know where to really  
21 start with this START-UP New York. Right?  
22 Mr. President, I can't vote for this. I wish I  
23 could. I believe in economic development. I  
24 believe that we ought to have full-time jobs at a  
25 living wage with benefits for everybody in the

1 state, and I think that it's possible.

2 I don't think that this is a way to  
3 in fact do it. This is a billion-dollar  
4 boondoggle. Right? What are we looking at?  
5 This is Empire Zones II. Empire Zones I was  
6 about a billion dollars, and most of that money  
7 got wasted. And here we are going to throw good  
8 money after bad with the same kind of poor  
9 investment.

10 At the same time that the Governor  
11 is asking us to do this, and he wants to help  
12 SUNY campuses, I have a SUNY campus in my area,  
13 SUNY Downstate. You all might have heard of it.  
14 You all might have heard me once or twice mention  
15 it on the floor. We're looking for \$150 million  
16 over the course of the next year to maintain the  
17 fourth-largest employer in the largest county in  
18 the state. It is actually the largest county in  
19 the country. It's the fourth-largest city in the  
20 country. And the Governor is looking to fire a  
21 thousand people out of that institution this  
22 year.

23 And so you want me to give you a  
24 billion dollars for the state when the largest  
25 county in the state can't even get money to save

1 a thousand jobs. That's what we're dealing with  
2 right now. And so you're asking me to vote for  
3 this, while in the meantime we've already put  
4 almost 4,000 people out of work in Long Island  
5 College Hospital and we're about to put another  
6 thousand out of work in SUNY Downstate.

7 I can't abide by this. I vote no.

8 ACTING PRESIDENT CARLUCCI: Senator  
9 Parker to be recorded in the negative.

10 Senator Golden to explain his vote.

11 SENATOR GOLDEN: Thank you,  
12 Mr. President.

13 People have different opinions about  
14 parts of this bill, but we should all agree on  
15 the part that brings the incubators into this  
16 program. It is a solidly positive achievement,  
17 and every Senator here should take credit for  
18 it.

19 In the budget we developed a  
20 comprehensive New York State incubator policy.  
21 We combined it with the Governor's hotspots  
22 proposal. And this bill makes a strong program  
23 even stronger, helping incubators to create jobs  
24 and wealth and community revitalization by  
25 bringing tax-free-zone benefits through them and

1 through their clients.

2           This bill does the following. It  
3 includes incubators designated as New York State  
4 incubators in tax-free zones in a partnership  
5 with New York colleges and universities. It  
6 makes designated New York State incubators and  
7 their clients tax-free. Lets any new company in  
8 a New York State incubator take advantage of a  
9 tax-free-zone benefit. Lets existing companies  
10 and incubators qualify for tax-free zone  
11 benefits. This requires them to do certain  
12 things to qualify, but they are not that  
13 difficult.

14           It lets any graduate of a New York  
15 State designated incubator move to a tax-free  
16 zone and take advantage of those benefits. It  
17 recognizes the differences between general and  
18 biotechnology, the biomedical incubators, and  
19 their clients.

20           These are tremendous advances for  
21 our incubator programs. I said during the budget  
22 that we created the most sophisticated and  
23 targeted incubator in this country. And this  
24 program is fitting because this is the birthplace  
25 of the incubators. This legislation takes this

1 achievement one step further.

2 And, ladies and gentlemen, I want to  
3 thank Ryan McAllister and Mary Arzoumanian from  
4 Senate Finance for their great work in working  
5 with us to achieve these goals.

6 I thank all of my fellow Senators,  
7 and I vote aye.

8 ACTING PRESIDENT CARLUCCI: Senator  
9 Golden to be recorded in the affirmative.

10 Senator Stavisky to explain her  
11 vote.

12 SENATOR STAVISKY: Thank you,  
13 Mr. President.

14 I've been a supporter of  
15 public/private partnerships for a long time,  
16 particularly as it affected SUNY and CUNY 2020  
17 programs. I wish I could vote for this. But I  
18 can't. Because, for one thing, one aspect  
19 bothers -- a number of aspects bother me. But  
20 there are other taxpayers, other companies in the  
21 area that would be fully tax-paying, and I just  
22 don't think that's fair to give tax benefits to  
23 some people and not to others.

24 Secondly, I think there's far too  
25 much discretion given to various supervisors, and



1 a lack of oversight. I think they're asking us  
2 to make a gigantic leap of faith that I just  
3 can't do at this point.

4 I vote no.

5 ACTING PRESIDENT CARLUCCI: Senator  
6 Stavisky to be recorded in the negative.

7 Senator Nozzolio to explain his  
8 vote.

9 SENATOR NOZZOLIO: Thank you,  
10 Mr. President.

11 Mr. President and my colleagues, I  
12 rise in support of this measure. And I thank  
13 Governor Cuomo for taking important steps to try  
14 to maximize the assets we have in New York  
15 State. Mr. President, we need to take advantage  
16 of those assets to move our economy forward and  
17 to grow jobs.

18 You and I, Mr. President, are  
19 graduates of Cornell University, one of the best,  
20 most talented, most gifted research institutions  
21 in this nation if not the world. Yet I have been  
22 critical of our alma mater because the  
23 commercialization of the science coming out of  
24 corneal has been not as great as other  
25 institutions similarly situated, particularly

1 Stanford University in California.

2 We have better science. We have  
3 better professors. What we need is to have a  
4 better infrastructure that makes the  
5 commercialization of science, the bringing of  
6 jobs from the laboratory to the marketplace more  
7 effective.

8 And that's why Governor Cuomo's  
9 involvement, activity and support of this project  
10 in this transition was extremely critical. I  
11 appreciate Senator Libous, Senator Skelos, and  
12 all of us in the Senate for trying to move this  
13 ball further.

14 But as the custodian of a place that  
15 has more college students per capita -- and  
16 that's upstate New York -- than any place in the  
17 nation, this type of chemistry makes sense. It's  
18 the type of science that will nurture jobs. And  
19 I am particularly interested in the jobs that  
20 could grow from the Applied Research Center at  
21 Cornell Experiment Station in Geneva, the  
22 Infotonics Center in Canandaigua, which is in  
23 partnership or part ownership of the Nanoscience  
24 Center here at SUNY Albany.

25 Together, these enterprises can grow

1 jobs. This is the seed corn that is necessary  
2 for that growth. And, Mr. President, I support  
3 it for those reasons as we move forward to make  
4 the economy grow in New York.

5 ACTING PRESIDENT CARLUCCI: Senator  
6 Nozzolio will be recorded in the affirmative.

7 Senator Martins to explain his vote.

8 SENATOR MARTINS: Thank you,  
9 Mr. President. I also rise to support this piece  
10 of legislation.

11 You know, I don't have a public  
12 university, I don't have a community college, I  
13 don't have a SUNY campus anywhere in my  
14 district. I don't. So the odds of any of this  
15 coming to my district is pretty remote. But when  
16 we consider the kinds of things that we should be  
17 doing, and when we consider the synergies that  
18 exist on our campuses, when we consider all those  
19 things that we stress, focusing on STEM, focusing  
20 on encouraging our students at the university  
21 level to learn and to innovate, this is exactly  
22 what we need.

23 The opportunity we have to match out  
24 of university system with those young  
25 entrepreneurs who, coming out, simply don't have

1 the means to make ends meet, don't have the means  
2 to match those start-up costs, but will create  
3 the next revolution in technology, will create  
4 the next revolution in jobs. And it belongs  
5 right here in New York State. We have the  
6 ability to do it. We have a SUNY university  
7 system that is second to none.

8           And yes, I'd love to have one in my  
9 district, but the reality is this. It's the  
10 synergies that our university system provides  
11 after they've educated our children that allows  
12 us that opportunity to capture that, to harness  
13 that, to create the next boom in this state and  
14 hopefully to give us the opportunity to spin  
15 those jobs, spin those new jobs, those new  
16 entrepreneurs back into our communities.

17           I vote aye.

18           ACTING PRESIDENT CARLUCCI: Senator  
19 Martins to be recorded in the affirmative.

20           Senator Hoylman to explain his vote.

21           SENATOR HOYLMAN: Mr. President, I  
22 just wanted to say that I have been convinced by  
23 the arguments of my colleagues tonight. We do  
24 need to try something to revitalize our upstate  
25 economy.

1           I certainly believe, though, that  
2   it's incumbent upon all of us to ensure that this  
3   program is not a replication of the Empire Zone  
4   program where political patronage ruled the day.  
5   And that we make certain that the money, the tax  
6   benefits are well spent, and that we monitor it  
7   closely in the years to come.

8           Thank you. I vote aye.

9           ACTING PRESIDENT CARLUCCI: Senator  
10   Hoylman to be recorded in the affirmative.

11           Seeing no other Senators wishing to  
12   be heard, the Secretary will announce the  
13   results.

14           THE SECRETARY: Those recorded in  
15   the negative on Calendar Number 1591 are Senators  
16   Avella, DeFrancisco, Krueger, Montgomery, Parker,  
17   Ranzenhofer, Marchione, Rivera, Sanders, Serrano  
18   and Stavisky. Also Senator Perkins. Also  
19   Senator Boyle.

20           Those absent from voting: Senators  
21   Diaz, Peralta and Sampson.

22           THE SECRETARY: Ayes, 46. Nays,  
23   13.

24           ACTING PRESIDENT CARLUCCI: The  
25   bill is passed.

1           Senator Libous, that completes the  
2 controversial reading of Supplemental Calendar  
3 57A.

4           SENATOR LIBOUS:    Thank you,  
5 Mr. President.

6           Could you call on Senator Serrano.

7           ACTING PRESIDENT CARLUCCI:    Senator  
8 Serrano.

9           SENATOR SERRANO:    Thank you very  
10 much, Mr. President.

11           There will be an immediate meeting  
12 of the meeting of the Senate Democratic  
13 Conference in Room 315.

14           ACTING PRESIDENT CARLUCCI:    There  
15 will be an immediate meeting of the Senate  
16 Democratic Conference in Room 315.

17           SENATOR LIBOUS:    I'm not done.  
18 Please tell people not to leave yet, because I'm  
19 not done.

20           ACTING PRESIDENT CARLUCCI:    Please  
21 don't leave. We have an important announcement  
22 by Senator Libous.

23           SENATOR LIBOUS:    Thank you,  
24 Mr. President.

25           There will be a Finance Committee

1 meeting at 11 o'clock in Room 332.

2 There will be an immediate  
3 Republican conference in Room 332.

4 The Senate will stand at ease.

5 ACTING PRESIDENT CARLUCCI: There  
6 will be a Republican conference in Room 332, and  
7 at 11 p.m. there will be a Finance Committee  
8 meeting in Room 332.

9 The Senate will stand at ease.

10 (Whereupon, the Senate stood at ease  
11 at 10:31 p.m.)

12 (Whereupon, the Senate reconvened at  
13 11:26 p.m.)

14 ACTING PRESIDENT VALESKY: Senator  
15 Libous.

16 SENATOR LIBOUS: Mr. President, can  
17 we go back to reports of standing committees.

18 I believe there's a report of the  
19 Finance Committee at the desk.

20 ACTING PRESIDENT VALESKY:  
21 Returning to reports of standing committees,  
22 there is a report of the Finance Committee at the  
23 desk.

24 The Secretary will read.

25 THE SECRETARY: Senator

1 DeFrancisco, from the Committee on Finance,  
2 reports the following nominations:

3 As a member of the Public Service  
4 Commission, Diane Burman, of Delmar.

5 ACTING PRESIDENT VALESKY: Senator  
6 DeFrancisco.

7 SENATOR DeFRANCISCO: I'm very  
8 proud and pleased to be able to move the  
9 nomination of a great attorney, a great woman, a  
10 great mother, and I assume a great wife as well.  
11 She's just a wonderful person: competent,  
12 hardworking, has helped everybody in this chamber  
13 at one time or the other.

14 I move Diane Burman as a  
15 commissioner of the Public Service Commission,  
16 and I request that you recognize Senator Skelos.

17 ACTING PRESIDENT VALESKY: Senator  
18 Skelos.

19 SENATOR SKELOS: Thank you very  
20 much, Mr. President.

21 I know the time is late, Diane, and  
22 the members have asked me to speak on their  
23 behalf because they know with all of us,  
24 collectively, it comes from our hearts on how  
25 much we appreciate what you've done for this



1 body -- for obviously our conference, but for the  
2 entire Senate chamber, all members. IDC,  
3 Republican, and Democrat, you've treated each and  
4 every member here with the utmost of respect.

5           The professionalism that you have  
6 shown over the years amazes all of us. As many  
7 of you know, Diane, a long time ago when I had  
8 dark hair, came and worked for me as an intern.  
9 I encouraged her to go to law school. She did  
10 listen. Diane even said earlier that, Jonathan,  
11 I recommended that she marry you -- I'm not sure  
12 about that -- because you worked for me also at  
13 one time.

14           And you have done so much for us in  
15 terms of professionalism, moving all of our  
16 agendas forward. You've treated all of us with  
17 the utmost of respect. And I know this is going  
18 to be a big change in your life, but believe me,  
19 it's going to be a big change in our lives, you  
20 know, when we look over or we run into your  
21 office on legislation, that you're not going to  
22 be there.

23           But there's a new opportunity for  
24 you to serve on the Public Service Commission. I  
25 know that you worked there as a counsel. And

1 certainly you're going to bring the intellect and  
2 the ability to make the Public Service Commission  
3 an even stronger commission.

4 So from all of us here in the  
5 chamber, Diane, we wish you the best. We wish  
6 you Godspeed and the opportunity to spend more  
7 time with your family. But even more important,  
8 we say to all of you and to you, Diane, that we  
9 love you very much.

10 Thank you, Diane.

11 (Extended standing ovation.)

12 ACTING PRESIDENT VALESKY: We do  
13 still have to vote to make this official. So the  
14 question is on the nomination of Diane Burman as  
15 a member of the Public Service Commission. All  
16 in favor signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT VALESKY: Opposed,  
19 nay.

20 (No response.)

21 ACTING PRESIDENT VALESKY: Diane  
22 Burman, of Delmar, is hereby confirmed as a  
23 member of the Public Service Commission.

24 (Standing ovation.)

25 ACTING PRESIDENT VALESKY: The

1 Secretary will read.

2 THE SECRETARY: As a member of the  
3 Public Health and Health Planning Council,  
4 Lawrence S. Brown, Jr., M.D., of Brooklyn.

5 As a member of the Behavioral Health  
6 Services Advisory Council, Lawrence S. Brown,  
7 Jr., M.D., of Brooklyn.

8 As a trustee of the Cornell  
9 University Board of Trustees, Martin F.  
10 Scheinman, of Sands Point.

11 ACTING PRESIDENT VALESKY: Senator  
12 DeFrancisco.

13 SENATOR DeFRANCISCO: Move the  
14 nominations.

15 ACTING PRESIDENT VALESKY: All in  
16 favor of the nominations as read by the Secretary  
17 signify by saying aye.

18 (Response of "Aye.")

19 ACTING PRESIDENT VALESKY: Opposed,  
20 nay.

21 (No response.)

22 ACTING PRESIDENT VALESKY: The  
23 nominees are hereby confirmed.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President, we

1 have in front of us a Supplemental Active List  
2 Number 1, dated Friday, June 21, 2013. If you  
3 would go to that, please, and then we will take  
4 up the noncontroversial reading.

5 ACTING PRESIDENT VALESKY: The  
6 Secretary will proceed with the noncontroversial  
7 reading of Supplemental Active List Number 1.

8 THE SECRETARY: In relation to  
9 Calendar Number 282, Senator Maziarz moves to  
10 discharge, from the Committee on Rules, Assembly  
11 Bill Number 7906 and substitute it for the  
12 identical Senate Bill Number 1184A, Third Reading  
13 Calendar 282.

14 ACTING PRESIDENT VALESKY:  
15 Substitution ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number  
18 282, by Member of the Assembly Sweeney, Assembly  
19 Print Number 7906, an act to amend the  
20 Environmental Conservation Law.

21 ACTING PRESIDENT VALESKY: Read the  
22 last section.

23 THE SECRETARY: Section 2. This  
24 act shall take effect immediately.

25 ACTING PRESIDENT VALESKY: Call the

1 roll.

2 (The Secretary called the roll.

3 THE SECRETARY: Those recorded in  
4 the negative on Calendar 282: Senators Seward  
5 and Griffo.

6 Ayes, 61. Nays, 2.

7 ACTING PRESIDENT VALESKY: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 347, by Senator Maziarz, Senate Print 4004A, an  
11 act to amend the Public Authorities Law.

12 ACTING PRESIDENT VALESKY: Read the  
13 last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect immediately.

16 ACTING PRESIDENT VALESKY: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 63.

20 ACTING PRESIDENT VALESKY: The bill  
21 is passed.

22 THE SECRETARY: In relation to  
23 Calendar Number 421, Senator LaValle moves to  
24 discharge, from the Committee on Rules, Assembly  
25 Bill Number 7601 and substitute it for the

1 identical Senate Bill Number 4539, Third Reading  
2 Calendar 421.

3 ACTING PRESIDENT VALESKY:  
4 Substitution ordered.

5 THE SECRETARY: Calendar Number  
6 421, by Member of the Assembly Brindisi, Assembly  
7 Print Number 7601, an act to repeal Section 50B  
8 of the Civil Service Law.

9 ACTING PRESIDENT VALESKY: Read the  
10 last section.

11 THE SECRETARY: Section 2. This  
12 act shall take effect immediately.

13 ACTING PRESIDENT VALESKY: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 63.

17 ACTING PRESIDENT VALESKY: The bill  
18 is passed.

19 THE SECRETARY: Calendar Number  
20 436, by Senator Golden, Senate Print 3851B --

21 SENATOR GIANARIS: Lay it aside.

22 ACTING PRESIDENT VALESKY: The bill  
23 is laid aside.

24 THE SECRETARY: Calendar Number  
25 455, substituted earlier by Member of the

1 Assembly Rosenthal, Assembly Print Number 740A,  
2 an act to amend the Agriculture and Markets Law.

3 ACTING PRESIDENT VALESKY: Read the  
4 last section.

5 THE SECRETARY: Section 2. This  
6 act shall take effect immediately.

7 ACTING PRESIDENT VALESKY: Call the  
8 roll.

9 (The Secretary called the roll.)

10 ACTING PRESIDENT VALESKY: Senator  
11 Grisanti to explain his vote.

12 SENATOR GRISANTI: Yes, thank you,  
13 Mr. President.

14 My fellow colleagues, this  
15 legislation that we have here in front of us  
16 allows municipalities greater control as it  
17 relates to the regulation of pet breeders and  
18 sellers if, if those localities decide to pass a  
19 local law.

20 Now, this legislation is supported  
21 by the Association of Counties, the Association  
22 of Towns, New York Conference of Mayors, and it's  
23 actually supported by numerous, numerous groups  
24 such as the ASPCA and other groups dealing with  
25 animals.

1                   Now, provisions of the Ag and  
2 Markets Law right now prohibit local governments  
3 from acting to regulate the industry, and current  
4 state law has proven to be inadequate as Ag and  
5 Markets has failed to enforce the state law. But  
6 it's not their fault. Prior to 2002, the  
7 localities had the power to pass and enforce  
8 these local laws. However, that law was changed  
9 to the current statute at this time. But most of  
10 the staff has been cut and eliminated since  
11 2010.

12                   And I'll give you an example.  
13 Basically, over the last five years, pet dealers  
14 have had over 800 times the violations -- 800 --  
15 yet penalties were only assessed on 50 of those  
16 800.

17                   This legislation will help to cut  
18 down on the proliferation of puppy mill puppies  
19 as well as address concerns related to spay and  
20 neuter to help control the pet population.

21                   The current system is not working,  
22 and enforcement of these laws is low. The  
23 legislation gives local governments, as I said,  
24 the power to enforce these laws. Nothing in this  
25 legislation undercuts state law or allows



1 municipalities to not enforce existing laws. No  
2 reputable breeder will have a negative impact.

3 But the bottom line, ladies and  
4 gentlemen, the state law right now allows primary  
5 enclosures that barely allow an animal to move,  
6 cages that have wire floors that are stacked on  
7 top of each other so that the excrement from  
8 animals above get caked onto their coats. They  
9 perform their own veterinary-type surgeries  
10 without having a veterinarian there.

11 So the bottom line, ladies and  
12 gentlemen, is the municipalities pay for this.  
13 And that's why we need this law. I vote aye, and  
14 I urge all the pet lovers here in this chamber to  
15 vote aye along with me.

16 ACTING PRESIDENT VALESKY: Senator  
17 Grisanti to be recorded in the affirmative.

18 Senator Squadron to explain his  
19 vote.

20 SENATOR SQUADRON: I want to thank  
21 Senator Grisanti and Assemblymember Rosenthal for  
22 getting this bill moved. It's something that  
23 we've been pushing for for years; once upon a  
24 time I carried it. And to finally get the deal  
25 done to get it done makes a huge difference just

1 for the humanity of the state and the way we  
2 treat pets across the state.

3                   Congratulations. I vote aye.

4                   ACTING PRESIDENT VALESKY: Senator  
5 Squadron in the affirmative.

6                   Announce the results.

7                   THE SECRETARY: Those recorded in  
8 the negative on Calendar Number 455 are Senators  
9 Griffo, Little, Martins, Nozzolio, Seward,  
10 Tkaczyk, Young. Also Senators Ranzenhofer,  
11 O'Mara and Perkins.

12                   Ayes, 53. Nays, 10.

13                   ACTING PRESIDENT VALESKY: The bill  
14 is passed.

15                   THE SECRETARY: In relation to  
16 Calendar Number 662, Senator Martins moves to  
17 discharge, from the Committee on Rules, Assembly  
18 Bill Number 1115A and substitute it for the  
19 identical Senate Bill Number 1987A, Third Reading  
20 Calendar 662.

21                   ACTING PRESIDENT VALESKY:  
22 Substitution ordered.

23                   The Secretary will read.

24                   THE SECRETARY: Calendar Number  
25 662, by Member of the Assembly Jaffee, Assembly

1     Print 1115A, an act to amend the Public Health  
2     Law.

3                   ACTING PRESIDENT VALESKY:     Read the  
4     last section.

5                   THE SECRETARY:     Section 2.   This  
6     act shall take effect on the 90th day.

7                   ACTING PRESIDENT VALESKY:     Call the  
8     roll.

9                   (The Secretary called the roll.)

10                  THE SECRETARY:     Recorded in the  
11     negative on Calendar 662:   Senator Little.

12                  Ayes, 62.   Nays, 1.

13                  ACTING PRESIDENT VALESKY:     The bill  
14     is passed.

15                  THE SECRETARY:     In relation to  
16     Calendar Number 697, Senator Golden moves to  
17     discharge, from the Committee on Rules, Assembly  
18     Bill Number 6579 and substitute it for the  
19     identical Senate Bill Number 4650, Third Reading  
20     Calendar 697.

21                  ACTING PRESIDENT VALESKY:     There is  
22     a home-rule message at the desk.

23                  The substitution is ordered.

24                  The Secretary will read.

25                  THE SECRETARY:     Calendar Number

1 697, by Member of the Assembly Abbate, Assembly  
2 Print Number 6579, an act to amend the General  
3 Municipal Law.

4 ACTING PRESIDENT VALESKY: Read the  
5 last section.

6 THE SECRETARY: Section 2. This  
7 act shall take effect immediately.

8 ACTING PRESIDENT VALESKY: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 63.

12 ACTING PRESIDENT VALESKY: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 932, by Senator Golden, Senate Print 4506, an act  
16 to amend the Real Property Tax Law.

17 ACTING PRESIDENT VALESKY: Read the  
18 last section.

19 THE SECRETARY: Section 2. This  
20 act shall take effect June 1, 2014.

21 ACTING PRESIDENT VALESKY: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT VALESKY: The bill

1 is passed.

2 THE SECRETARY: In relation to  
3 Calendar Number 957, Senator Robach moves to  
4 discharge, from the Committee on Children and  
5 Families, Assembly Bill Number 6547B and  
6 substitute it for the identical Senate Bill  
7 Number 5605, Third Reading Calendar 957.

8 ACTING PRESIDENT VALESKY:  
9 Substitution ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 957, by Member of the Assembly Weinstein,  
13 Assembly Print Number 6547B, an act to amend the  
14 Domestic Relations Law.

15 ACTING PRESIDENT VALESKY: Read the  
16 last section.

17 THE SECRETARY: Section 2. This  
18 act shall take effect immediately.

19 ACTING PRESIDENT VALESKY: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT VALESKY: The bill  
24 is passed.

25 Calendar Number 1073, there is no

1 home-rule message at the desk. That bill cannot  
2 be taken up at this time.

3 Calendar 1132 is next.

4 THE SECRETARY: Calendar Number  
5 1132, by Senator Parker, Senate Print 955, an act  
6 to amend the Mental Hygiene Law.

7 ACTING PRESIDENT VALESKY: Read the  
8 last section.

9 THE SECRETARY: Section 5. This  
10 act shall take effect immediately.

11 ACTING PRESIDENT VALESKY: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT VALESKY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 1152, by Senator Young, Senate Print 3079A, an  
19 act to amend the Civil Rights Law.

20 SENATOR GIANARIS: Lay it aside.

21 ACTING PRESIDENT VALESKY: The bill  
22 is laid aside.

23 THE SECRETARY: Calendar Number  
24 1408, by Senator Zeldin, Senate Print Number  
25 5738B, an act to amend the Environmental

1 Conservation Law.

2 ACTING PRESIDENT VALESKY: Read the  
3 last section.

4 THE SECRETARY: Section 4. This  
5 act shall take effect immediately.

6 ACTING PRESIDENT VALESKY: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 63.

10 ACTING PRESIDENT VALESKY: The bill  
11 is passed.

12 THE SECRETARY: In relation to  
13 Calendar Number 1507, Senator Little moves to  
14 discharge, from the Committee on Rules, Assembly  
15 Bill Number 7965B and substitute it for the  
16 identical Senate Bill Number 5739C, Third Reading  
17 Calendar 1507.

18 ACTING PRESIDENT VALESKY:  
19 Substitution ordered.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number  
22 1507, by Member of the Assembly Stec, Assembly  
23 Print Number 7965B, an act to amend the Alcoholic  
24 Beverage Control Law.

25 ACTING PRESIDENT VALESKY: Read the

1 last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect immediately.

4 ACTING PRESIDENT VALESKY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Those recorded in  
8 the negative on Calendar Number 1507: Senators  
9 Fuschillo and Martins.

10 Ayes, 61. Nays, 2.

11 ACTING PRESIDENT VALESKY: The bill  
12 is passed.

13 THE SECRETARY: In relation to  
14 Calendar Number 1522, Senator Bonacic moves to  
15 discharge, from the Committee on Rules, Assembly  
16 Bill Number 1394A and substitute it for the  
17 identical Senate Bill Number 5858, Third Reading  
18 Calendar 1522.

19 ACTING PRESIDENT VALESKY:  
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number  
23 1522, by Member of the Assembly Gunther, Assembly  
24 Print 1394A, an act to amend the Penal Law.

25 ACTING PRESIDENT VALESKY: Read the



1 last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect on the first of November.

4 ACTING PRESIDENT VALESKY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Recorded in the  
8 negative on Calendar 1522 are Senators Hoylman  
9 and Krueger.

10 Ayes, 61. Nays, 2.

11 ACTING PRESIDENT VALESKY: The bill  
12 is passed.

13 THE SECRETARY: In relation to  
14 Calendar Number 1552, Senator Ranzenhofer moves  
15 to discharge, from the Committee on Rules,  
16 Assembly Bill Number 8072 and substitute it for  
17 the identical Senate Bill Number 5845, Third  
18 Reading Calendar 1552.

19 ACTING PRESIDENT VALESKY:  
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number  
23 1552, by Member of the Assembly Brennan, Assembly  
24 Print 8072, an act to amend the Executive Law.

25 ACTING PRESIDENT VALESKY: Read the

1 last section.

2 THE SECRETARY: Section 132. This  
3 act shall take effect July 1, 2014.

4 ACTING PRESIDENT VALESKY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT VALESKY: Senator  
8 Ranzenhofer to explain his vote.

9 SENATOR RANZENHOFER: Thank you,  
10 Mr. President. I'd like to take a few hours to  
11 explain this 64-page bill.

12 (Laughter.)

13 SENATOR RANZENHOFER: This is the  
14 Not-For-Profit Revitalization Act of 2013, really  
15 the culmination of about 10 years of work; two  
16 years, more recently, with our office and the  
17 Attorney General's office.

18 The Not-For-Profit Law had not been  
19 changed in over 40 years. It was last changed in  
20 '69 when the Mets won the World Series and Neil  
21 Armstrong walked on the moon. So it's been a  
22 quite a number of years.

23 This bill will essentially make it  
24 easier for not-for-profits to form and go about  
25 their business. It's the product of a lot of

1 culmination working with Assemblyman Brennan in  
2 the Assembly, the Bar Association of New York  
3 City and New York State, Peter Kiernan, Bill  
4 Josephson, Rose Mary Bailly from the Law Revision  
5 Commission, Jason Lilien, James Katz and Justin  
6 Berhaupt from the Attorney General's office, too  
7 many not-for-profits to mention. From my office,  
8 Mike Hettler, Randi Malman and others, and Ali  
9 Chaudhry and Ryan McAllister from our central  
10 staff.

11           Essentially what we did is we  
12 introduced this bill, we went around the state,  
13 we had a number of public hearings. The  
14 not-for-profits were instrumental in trying to  
15 reform.

16           Essentially what it does, it makes  
17 it easier for not-for-profits to operate in  
18 New York State. It provides some accountability  
19 with respect to the board of directors and the  
20 way they operate. Essentially what this will do,  
21 as I said, is reduce burdens and simplify  
22 regulation for our not-for-profits. This is a  
23 good day for the not-for-profits in New York  
24 State.

25           I vote aye, Mr. President. Thank

1     you.

2                   ACTING PRESIDENT VALESKY:     Senator  
3     Ranzenhofer recorded in the affirmative.

4                   Announce the results.

5                   THE SECRETARY:     Those recorded in  
6     the negative on Calendar 1552:   Senator Ball.

7                   Ayes, 62.   Nays, 1.

8                   ACTING PRESIDENT VALESKY:     The bill  
9     is passed.

10                  THE SECRETARY:     In relation to  
11     Calendar Number 1553, Senator Boyle moves to  
12     discharge, from the Committee on Rules, Assembly  
13     Bill Number 8075 and substitute it for the  
14     identical Senate Bill Number 5849, Third Reading  
15     Calendar 1553.

16                  ACTING PRESIDENT VALESKY:  
17     Substitution ordered.

18                  THE SECRETARY:     Calendar Number  
19     1553, by Member of the Assembly Sweeney, Assembly  
20     Print Number 8075, an act to enact the Superstorm  
21     Sandy Assessment Relief Act.

22                  ACTING PRESIDENT VALESKY:     Read the  
23     last section.

24                  THE SECRETARY:     Section 2.   This  
25     act shall take effect immediately.

1                   ACTING PRESIDENT VALESKY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 63.

5                   ACTING PRESIDENT VALESKY:    The bill  
6   is passed.

7                   THE SECRETARY:    Calendar Number  
8   1560, substituted earlier by Member of the  
9   Assembly Abbate, Assembly Print Number 6867, an  
10   act to amend the State Finance Law.

11                   ACTING PRESIDENT VALESKY:    There is  
12   a home-rule message at the desk.

13                   Read the last section.

14                   THE SECRETARY:    Section 2.   This  
15   act shall take effect immediately.

16                   ACTING PRESIDENT VALESKY:    Call the  
17   roll.

18                   (The Secretary called the roll.)

19                   THE SECRETARY:    Recorded in the  
20   negative on Calendar Number 1560:   Senator Ball.

21                   Ayes, 62.   Nays, 1.

22                   ACTING PRESIDENT VALESKY:    The bill  
23   is passed.

24                   THE SECRETARY:    In relation to  
25   Calendar Number 1568, Senator Martins moves to

1 discharge, from the Committee on Rules, Assembly  
2 Bill Number 8086 and substitute it for the  
3 identical Senate Bill Number for the identical  
4 Senate Bill Number 5865, Third Reading Calendar  
5 1568.

6 ACTING PRESIDENT VALESKY:  
7 Substitution ordered.

8 THE SECRETARY: Calendar Number  
9 1568, by Member of the Assembly Farrell, Assembly  
10 Print Number 8086, an act to amend the State  
11 Finance Law.

12 ACTING PRESIDENT VALESKY: Read the  
13 last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect immediately.

16 ACTING PRESIDENT VALESKY: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Those recorded in  
20 the negative on Calendar Number 1568 are Senators  
21 Avella, Ball, Latimer and Robach.

22 Ayes, 59. Nays, 4.

23 ACTING PRESIDENT VALESKY: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 1573, by Senator Felder, Senate Print 5842A --

2 SENATOR GIANARIS: Lay it aside.

3 ACTING PRESIDENT VALESKY: The bill  
4 is laid aside.

5 Senator Libous, that completes the  
6 noncontroversial reading of the active list.

7 SENATOR LIBOUS: Thank you,  
8 Mr. President.

9 We're going to do the controversial  
10 reading, but we're going to take up Calendar  
11 Number 1573 first, please.

12 ACTING PRESIDENT VALESKY: The  
13 Secretary will ring the bells and place Calendar  
14 Number 1573 before the Senate, controversial.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number  
17 1573, by Senator Felder, Senate Print 5842A, an  
18 act to amend the Education Law.

19 ACTING PRESIDENT VALESKY: Senator  
20 Tkaczyk, why do you rise?

21 SENATOR TKACZYK: Will the sponsor  
22 yield for a question.

23 ACTING PRESIDENT VALESKY: Senator  
24 Flanagan, do you yield for a question?

25 SENATOR FLANAGAN: Yes, I will.

1                   ACTING PRESIDENT VALESKY:     Senator  
2     Flanagan yields.

3                   SENATOR TKACZYK:     Thank you,  
4     Senator Flanagan.

5                   This is a bill that just came before  
6     us very recently.  It's my understanding this is  
7     a bill that expands the rights of parents to  
8     secure tuition reimbursement placements before a  
9     final determination has been made even if there's  
10    a dispute between the parents and the districts.

11                  This bill came before us last year  
12    as well, and the Governor -- it did pass both  
13    houses, and the Governor vetoed it.  And in his  
14    veto message he said this bill would unfairly  
15    place the burden on taxpayers to support the  
16    provision of private education.

17                  What has changed in this bill that  
18    you don't expect the Governor to veto it?

19                  SENATOR FLANAGAN:     Well, first of  
20    all, Mr. President, it's just a little hard to  
21    hear Senator Tkaczyk.

22                  I caught most of what you said, but  
23    I gather the gist of it is what is different from  
24    last year compared to the bill of this year.

25                  I agree with part of what you said;



1 other parts I don't agree with. I'll start off  
2 with the bill from last year. And I'm glad you  
3 raised that point, because it's a salient point  
4 as it relates to the changes from last year.

5 Certainly the bill was passed last  
6 year by both houses and was ultimately vetoed by  
7 the Governor. The two primary components of the  
8 bill last year were that there had to be taking  
9 into account cultural information and background  
10 of the students who would be receiving these  
11 services and then, commensurate with that, there  
12 was implementation of timelines in terms of  
13 days. A strict timeline, I think one part was  
14 90 days, the second part was 30 days. That was a  
15 significant departure from what IDEA requires  
16 under federal law. It was a departure from state  
17 law and from New York State regulation.

18 That bill is vastly different, the  
19 one from last year is vastly different from the  
20 one that we have before us. Where I disagree is  
21 with your premise in terms of what you think this  
22 bill is. This bill is a clarification in its  
23 enhancement and its enforcement of not only  
24 existing federal law but New York State statute  
25 and New York State regulation. And part of the

1 challenge that's involved here is the fact that  
2 parents -- and it's not just about the parents,  
3 but it is about parents and ultimately about  
4 children -- that guidelines and timelines through  
5 regulation and statute are not all always being  
6 adhered to, which exacerbates situations for  
7 families who may legally be entitled to tuition  
8 reimbursement for a private placement of their  
9 child.

10 I do not agree whatsoever with your  
11 characterization that there is an automatic  
12 obligation on the part of the district to start  
13 paying tuition. This is consistent with what  
14 existing federal law is in terms of the placement  
15 through an IEP, through an impartial hearing  
16 officer, through the Office of State Review, and  
17 should anyone seek to take this matter to Supreme  
18 Court through an Article 78 proceeding. Nothing  
19 in that area changes whatsoever.

20 SENATOR TKACZYK: You have a list  
21 of the organizations that are --

22 ACTING PRESIDENT VALESKY: Senator  
23 Tkaczyk, are you asking Senator Flanagan to  
24 continue to yield?

25 SENATOR TKACZYK: Yes. Senator

1 Flanagan, would you continue to yield?

2 SENATOR FLANAGAN: Yes, I will.

3 ACTING PRESIDENT VALESKY: Senator  
4 Flanagan yields.

5 SENATOR TKACZYK: There are a  
6 number of organizations that are opposed to this  
7 legislation. Do you have a list of those  
8 organizations?

9 SENATOR FLANAGAN: I have several  
10 memos in opposition, I have several memos in  
11 support.

12 SENATOR TKACZYK: I'd like to make  
13 sure I have all of the memos in opposition and  
14 memos in support. If you'll bear with, because  
15 my phone has been ringing off the hook and I've  
16 had plenty of emails about this issue and lots of  
17 concerned comments.

18 I've received memos in opposition  
19 from the New York Civil Liberties Union, NAACP,  
20 the League of Women Voters, Statewide School  
21 Finance Consortium, the New York City Mayor's  
22 Office, the New York City Department of  
23 Education, School Administrators Association, the  
24 Big Five, UFT, NYSUT, special education  
25 administrators, school business officials, School

1     Boards Association, and the New York State School  
2     Superintendents Association.

3                 I received one letter in support  
4     from the Catholic Church group.

5                 Are there any other letters of  
6     support that you have that I don't have?

7                 SENATOR FLANAGAN:     Senator Tkaczyk,  
8     I don't have all the letters of support in front  
9     of me. But there are letters of support and  
10    memos of support from Agudath Israel, from a  
11    number of the private schools. And certainly  
12    there is a memorandum or letter of support from  
13    the Catholic Conference.

14                SENATOR TKACZYK:     Do you agree --

15                ACTING PRESIDENT VALESKY:     Senator  
16    Tkaczyk, are you asking Senator Flanagan to  
17    yield?

18                SENATOR TKACZYK:     I'm sorry. Yes.  
19    Senator Flanagan, if you'd continue to yield.

20                SENATOR FLANAGAN:     Yes, I do.

21                ACTING PRESIDENT VALESKY:     Senator  
22    Flanagan yields.

23                SENATOR TKACZYK:     There appears to  
24    be a lot of opposition to this bill. One of the  
25    memos -- I'll read to you -- from the New York

1 State School Boards Association: "This bill will  
2 not accomplish the sponsor's well-intended goal  
3 of making certain students with disabilities  
4 receive needed services and appropriate programs  
5 in a timely manner.

6 "This bill is inconsistent with the  
7 federal Individuals with Disabilities Education  
8 Act, IDEA, and as a result puts schools in  
9 jeopardy of losing critical federal funding.

10 "The bill poses a significant  
11 unfunded mandate for school districts at a time  
12 when schools statewide are facing extremely  
13 challenging financial times. This measure is  
14 contrary to efforts in recent years made by the  
15 Governor and Legislature to reduce state-imposed  
16 unfunded mandates on schools."

17 Do you disagree with their  
18 description of this bill?

19 SENATOR FLANAGAN: Absolutely. And  
20 I'm so glad that you asked me that.

21 And since you raised it, I received  
22 two memos, one was more specific from the School  
23 Boards, and one was more general. The one that  
24 was more general was frankly more offensive.  
25 There were glaring generalities, there were

1     assertions that were offensive to parents of  
2     children with special needs. And I think it is  
3     unfounded, a number of the comments that were  
4     contained, in that this is not a budget buster,  
5     it is not an unfunded mandate. It is a  
6     recognition of issues that affect parents and  
7     families of children with special needs.

8                     And this is consistent with federal  
9     law through IDEA. In order to receive that  
10    federal funding, we need to be compliant on a  
11    regular basis, and we are. And this bill does  
12    not change any aspect of that whatsoever.

13                    I don't believe for a second that  
14    we're going to lose federal funding. I don't  
15    believe for a second this is an unfunded  
16    mandate. And frankly, I don't believe a lot of  
17    what's written in the school boards memo because  
18    I think they're off-base.

19                    And let me give you an example.  
20    Since you're asking about the memos, I'm going to  
21    give you an example. Right now a parent decides  
22    that they don't agree with a placement that a  
23    school has offered. And you've been involved in  
24    education, so you are well aware of this. the  
25    school district says go to Program A or do an

1 industry program. The parent says, I don't like  
2 that, I'm going outside.

3 And it's a unilateral placement, and  
4 that's been castigated too. And ladies and  
5 gentlemen, that is absolutely what the law is  
6 right now. If we do nothing else with this bill,  
7 a parent has an unfettered right to go to a  
8 unilateral placement and challenge the  
9 determination made by a school district. Then,  
10 if either party doesn't agree, they can say I  
11 don't like it, I'm going an impartial hearing  
12 officer. There are timelines for that: 30 days  
13 of a reconciliation period, 45 days for a hearing  
14 and decision. That's set by federal law and New  
15 York State regulation. That's step two.

16 The third step, if either party is  
17 aggrieved and doesn't like the result, they can  
18 go to the State Office of Review. And there are  
19 guidelines and timelines there: 25 days if you  
20 serve it one way, 35 days if you serve it  
21 another, 30 days for the hearing, 60 days if  
22 there's consent. That's step three.

23 If either party continues to be  
24 aggrieved and they don't like the result, they  
25 can go to Supreme Court. They can bring an

1 Article 78 within four months of that  
2 determination. At no point along the way, until  
3 there's an absolute final determination, is the  
4 school district obligated to pay tuition on a  
5 placement like that. Either party has the right  
6 to continue until a final determination, and that  
7 could be an action by the Supreme Court or it  
8 could be an action by the impartial hearing  
9 officer if either party or both parties accept  
10 that decision.

11 So there is nothing that mandates.  
12 And it is not different from what the law is now,  
13 that the school district has to pay while there  
14 is a pending action on the determination of the  
15 appropriateness of the parents' placement of  
16 their child.

17 SENATOR TKACZYK: Mr. President,  
18 may I ask the sponsor to continue to yield.

19 SENATOR FLANAGAN: Yes, I do.

20 ACTING PRESIDENT VALESKY: The  
21 sponsor yields.

22 SENATOR TKACZYK: There is a  
23 change, Senator Flanagan. And the change that I  
24 heard from the organizations that have written  
25 letters is that the parent may place a child in



1 another setting if they don't agree with the  
2 setting that the school has determined, and that  
3 determination is at the result of an IEP  
4 meeting.

5           And if the parent disagrees with the  
6 placement, the parent can take them to another  
7 situation. It may be a private school that's not  
8 covered by SED. And that can be done before the  
9 final decision. If the parent appeals, they can  
10 place the child at another school and the school  
11 now has to pay for that program even though the  
12 final decision hasn't been reached.

13           That's the crux of the problem with  
14 this legislation. You're forcing schools to pay  
15 for tuition at other programs that may not be  
16 educationally appropriate and a final decision  
17 hasn't been rendered.

18           On the bill, Mr. President.

19           ACTING PRESIDENT VALESKY:    Senator  
20 Tkaczyk on the bill.

21           SENATOR FLANAGAN:    Was there a  
22 question?

23           ACTING PRESIDENT VALESKY:    Did you  
24 have a question in there for Senator Flanagan?

25           SENATOR FLANAGAN:    Well, actually,

1 let me respond to your comment's last question.

2 I could not disagree more. A parent  
3 right now -- and this affects everyone in this  
4 room, either friend, family, relative or  
5 constituents. Everybody cares about education.  
6 Everybody cares about their kids in particular.  
7 When you have a child with special needs, that  
8 level of concern and enhancement goes through the  
9 roof.

10 You have a right right now, anyone  
11 in this room, if you disagree with the IEP  
12 determination and the school district is saying  
13 you have to go to this program, unilaterally,  
14 pursuant to federal law, state statute and  
15 regulation, you can say "I disagree and I'm  
16 placing my child here." There is no obligation  
17 on the part of a school district to start paying  
18 tuition until there is a final determination.

19 So your characterization of this  
20 is -- respectfully, I'm going to say is  
21 inaccurate.

22 SENATOR TKACZYK: Well, then I am  
23 joined by a huge number of organizations that are  
24 stating that.

25 On the bill, Mr. President.

1                   ACTING PRESIDENT VALESKY:     Senator  
2     Tkaczyk on the bill.

3                   SENATOR TKACZYK:     Our schools are  
4     already struggling to meet the financial needs of  
5     our children. We all care about our kids. As  
6     parents, as school board members, we care about  
7     our kids. We want the best for our kids. This  
8     bill does not help us deal with how we adequately  
9     fund education now. We are currently failing to  
10    adequately fund our schools. Schools now are  
11    getting funding levels from the 2008-2009 level.

12                  I represent school districts that  
13    are very stressed. We have 24 school boards in  
14    my Senate district. Our parents have every right  
15    to come to our IEP meeting, advocate for their  
16    children. They don't always agree with the  
17    situation. They have a right to take their child  
18    to another location. But when that location is  
19    not appropriate, the school is in the position of  
20    having to pay for that service.

21                  The bill before us subjects our  
22    schools to the potential loss of federal funds  
23    because it does not comply with federal law. And  
24    our schools may be inundated with lawsuits and  
25    higher costs.

1                   ACTING PRESIDENT VALESKY:   Excuse  
2 me, Senator Tkaczyk.

3                   Senator Flanagan, why do you rise?

4                   SENATOR FLANAGAN:   Will Senator  
5 Tkaczyk yield to a question?

6                   ACTING PRESIDENT VALESKY:   Senator  
7 Tkaczyk, do you yield to Senator Flanagan for a  
8 question?

9                   SENATOR TKACZYK:   Certainly.

10                  SENATOR FLANAGAN:   Senator Tkaczyk,  
11 can you point to me -- inasmuch as this is a  
12 short bill, it's a two-page bill, can you point  
13 to me the language in this bill that shows where  
14 a school district is obligated to pay prior to a  
15 final determination?

16                  SENATOR TKACZYK:   Apparently it  
17 does not say that in the legislation.

18                  (Laughter.)

19                  SENATOR FLANAGAN:   I'm sorry,  
20 Senator Tkaczyk, I could not hear you.

21                  SENATOR TKACZYK:   I'm sorry, it  
22 does not say that in the legislation, Senator  
23 Flanagan.

24                  SENATOR FLANAGAN:   Thank you.

25                  SENATOR TKACZYK:   May I continue?

1                   ACTING PRESIDENT VALESKY:     Senator  
2     Tkaczyk on the bill.

3                   SENATOR TKACZYK:     Our local school  
4     budgets are set for next year. There are no  
5     funds to cover additional costs that may be  
6     needed because of this unfunded mandate. This  
7     bill is being described as the largest unfunded  
8     mandate in years. It's being called a local  
9     school budget-buster bill. This bill will  
10    result, if passed and signed by the Governor, in  
11    a huge increase in costs to local school  
12    districts. It will result in classroom cuts that  
13    hurt our kids. We'll be forced to cut teachers  
14    and programs like art, music and sports.

15                  I appreciate the concern to make  
16    sure all of our kids get an adequate education  
17    and our special needs kids are in educationally  
18    appropriate programs. This bill will hurt our  
19    schools' ability to adequately educate all our  
20    kids. I'll be voting no, and I urge any  
21    colleagues to do the same. And if it does get to  
22    the Governor, I hope that he vetoes it.

23                  Thank you.

24                  ACTING PRESIDENT VALESKY:     Senator  
25    Flanagan on the bill.

1                   SENATOR FLANAGAN:    Yes,  
2   Mr. President, thank you.

3                   This is a relatively short bill.  
4   And the intent behind this bill is to clarify  
5   some of the issues involving this area of the  
6   law.  You have IDEA, you have state statute, you  
7   have state regulation.

8                   Because there are problems in the  
9   field, one of the things we're trying to do is  
10   say adhere to the guidelines.  So we're putting  
11   in state statute that you have to be in  
12   conformance with federal law.  And let me give  
13   you an example.  You can have a decision that  
14   goes, say, against a district and there is a  
15   decision that they have to pay.  Well, one of the  
16   things we say in here now is if you have an  
17   agreement -- either by settlement, by hearing  
18   officer, by the state, or by a court -- you have  
19   to set down the terms of that agreement,  
20   including how the payment occurs and when.

21                  Because parents, who are freaking  
22   out about the value of their kids' education and  
23   the well-being of their child, now have two  
24   problems.  They're fighting with the district in  
25   terms of what may be an appropriate placement,

1 and they may not always win. But they're also  
2 concerned because they're putting money out of  
3 their pocket. So what this forces this to do is  
4 now when there's a decision, you actually have to  
5 set down the conditions of that agreement, no  
6 matter what it is. That's good for everybody,  
7 and frankly it's very good for parents who are  
8 trying to take care of their children.

9           Now, it's also important to  
10 recognize that in these cases the burden of  
11 proof, if you take your kid and put them in an  
12 outside placement, the burden of proof lies with  
13 you throughout the entire process. The burden of  
14 proof is on the parent to prove that the  
15 placement is appropriate. And that is why there  
16 is no tuition payment until there's a final  
17 determination.

18           But Senator Tkaczyk, you brought up  
19 some memos, so I'm just going to comment on them  
20 briefly.

21           The New York Civil Liberties Union,  
22 who I thought was a vanguard and protector of  
23 all, has frustration with the fact that many such  
24 placements with these programs are affiliated  
25 with religious institutions, and that somehow

1 this is going to have a segregative impact across  
2 the state. And it speaks to private or religious  
3 organizations without subjective and impartial  
4 review.

5                   You can talk about Catholic schools,  
6 you can talk about private schools, you can talk  
7 about orthodox schools. The reality is this  
8 applies to everybody. It doesn't matter where  
9 you live, what type of private school you go to.  
10 This is about children getting appropriate  
11 placements.

12                   The City of New York, they have a  
13 memo. Which frankly I am disgusted by part of  
14 the language that's in that memo, because here's  
15 one of the sentences. "Rather, the proposal  
16 seeks to serve only a self-selected group of  
17 students whose parents reject public school."  
18 That's offensive. That should be offensive to  
19 everybody in this room. Every parent is trying  
20 to make sure that their child is getting an  
21 appropriate education and that they are following  
22 the law.

23                   The SAANYS memo, school  
24 administrators memo, says that payment of tuition  
25 has to start within 30 days of a settlement.



1     There is nothing in the bill that says that. And  
2     I asked Senator Tkaczyk, show me something that  
3     says a school district has to pay. The reason  
4     you can't find it is because it's not there.

5                 What we've done is enhance these  
6     guidelines, made it more efficient, and tried to  
7     make clear that this should work for everybody.  
8     It works fairly well, but there are a lot of  
9     times when it doesn't. So this is not about an  
10    unfunded mandate. And it's not about foisting  
11    costs schools in an inappropriate fashion.

12                I understand exactly what this is.  
13    And if you look -- we should just look to what  
14    the statute says. Now, I've read these memos. I  
15    work with all these organizations. And I'm going  
16    to tell you, by and large I believe they are dead  
17    wrong and inaccurate, not only in their  
18    assertions but on their facts. Like everyone  
19    else in this room, I take this obligation  
20    extremely seriously. There's at least 20 bills  
21    that are new mandates on school districts that  
22    never made it to the floor because of the concern  
23    that has been raised by you, Senator Tkaczyk, and  
24    all of us together.

25                So I understand what this is. It's

1 not an unfunded mandate. It's about making it  
2 right and proper for families. Because if we're  
3 talking about education, it's not about the  
4 teachers, it's not about the school  
5 administrators, it's not about the school boards,  
6 it's about children and what are we going to do  
7 to ensure that they have an appropriate placement  
8 and that it's rectified with appropriate tuition  
9 payments at the right time.

10 Thank you.

11 ACTING PRESIDENT VALESKY: Thank  
12 you, Senator Flanagan.

13 The debate is closed. The Secretary  
14 will ring the bells. Senators are asked to  
15 proceed to the chamber for a vote.

16 SENATOR TKACZYK: Mr. President.

17 ACTING PRESIDENT VALESKY: Senator  
18 Tkaczyk, the debate has already been closed.  
19 I've asked the Secretary to ring the bells so  
20 that we may move to a roll call.

21 SENATOR GIANARIS: Mr. President, I  
22 believe Senator Tkaczyk rose before you closed  
23 the debate. So I would ask, if there was a  
24 mistake in not seeing her rise, that we please  
25 allow her to continue the debate.

1                   ACTING PRESIDENT VALESKY:    Senator  
2 Tkaczyk, why do you rise?

3                   SENATOR TKACZYK:    Will Senator  
4 Flanagan yield to a final question.

5                   ACTING PRESIDENT VALESKY:    Senator  
6 Flanagan, do you yield to one final question?

7                   SENATOR FLANAGAN:    Yes.

8                   ACTING PRESIDENT VALESKY:    Senator  
9 Flanagan yields.

10                  SENATOR TKACZYK:    The school  
11 budgets are set for the next school year.  
12 They've all passed, pretty much. How do schools  
13 pay for any additional funds that this  
14 legislation change will --

15                  SENATOR FLANAGAN:    I'm sorry?

16                  SENATOR TKACZYK:    How do school  
17 districts pay for any additional funds that they  
18 may incur from this legislation?

19                  SENATOR FLANAGAN:    Well, first of  
20 all, Senator Tkaczyk, since you have been  
21 involved in education, particularly on a school  
22 board, you know in the area of special education  
23 and regular ed, for that matter, there is  
24 fluctuations and there is fungibility in a lot of  
25 things that happen, not only in budgets but in

1 terms of students moving in. You can have kids  
2 move in who don't need special ed. So there are  
3 factors that are affected all the time.

4 I don't frankly agree with your  
5 assertion, how are you going to pay for these  
6 extra costs, because there may not be any extra  
7 costs because these are things that people may be  
8 legally entitled to already.

9 So you could make the same argument,  
10 you could ask me the question, what do you do if  
11 12 new kids move in during the school year?  
12 Well, one of the things you do is you adapt. And  
13 then when you supply your quarterly data to the  
14 State of New York, that will have an effect on  
15 the type of school aid that you will get. You  
16 know that again.

17 So it's not just kids who are in  
18 special ed. And frankly, if these kids do come  
19 in and school districts come to the State of  
20 New York, they will be entitled to reimbursement  
21 for public excess cost aid, private excess cost  
22 aid. So there are plenty of ways to address  
23 this.

24 But I still completely disagree with  
25 the idea that this is simply going to add more

1 cost. This is about making sure that children  
2 get the appropriate placement. And in the cases  
3 where parents have to put money out-of-pocket and  
4 they prevail, that they are entitled to  
5 reimbursement in a timely and consistent fashion.

6 SENATOR TKACZYK: May I ask one  
7 more question of the sponsor.

8 SENATOR FLANAGAN: Yes.

9 ACTING PRESIDENT VALESKY: Senator  
10 Flanagan, do you yield?

11 SENATOR FLANAGAN: Yes, I do.

12 ACTING PRESIDENT VALESKY: Senator  
13 Flanagan yields.

14 SENATOR TKACZYK: If the parents do  
15 not prevail, how does the school recoup the cost  
16 that they've paid to cover the tuition at another  
17 school?

18 SENATOR FLANAGAN: Senator Tkaczyk,  
19 that's not even an issue. Because they're not  
20 paying. They don't pay until there's a final  
21 determination. There is no situation, until  
22 there's a final determination, where a school is  
23 obligated to pay. If a parent prevails, they  
24 have to pay.

25 If a parent loses and they've run

1 the risk by putting their child in a private  
2 placement and put money out-of-pocket -- because  
3 that's what they have to do, because the schools  
4 don't pay for it because it's pursuant to federal  
5 law and state law and regulation -- there's  
6 nothing for them to recoup because they haven't  
7 laid out any money.

8 SENATOR TKACZYK: Thank you.

9 ACTING PRESIDENT VALESKY: The  
10 debate is closed. The Secretary will ring the  
11 bells.

12 Read the last section.

13 THE SECRETARY: Section 3. This  
14 act shall take effect immediately.

15 ACTING PRESIDENT VALESKY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 ACTING PRESIDENT VALESKY: Senator  
19 Adams to explain his vote.

20 SENATOR ADAMS: I heard both sides  
21 of the discussion on this, and I'm going to vote  
22 in favor of this bill. I find that, you know --

23 SENATOR LIBOUS: Senator, I can't  
24 hear you. Is your mic on?

25 SENATOR ADAMS: Thank you, Senator

1 Libous.

2 I stated I heard both sides of the  
3 debate. I'm going to vote in favor of this  
4 bill. I find that behind every child with  
5 special needs is a special parent. And I think  
6 that we have really dropped the ball on how we're  
7 dealing with the issue of placement of children  
8 with special needs.

9 And when you hear the number of  
10 calls and just tension that goes with the  
11 complexity of raising a child, and then you have  
12 to compound that with a child with special needs,  
13 we just have not done the correct job.

14 And just to hear that the tuition  
15 payment is not final until there's a final  
16 ruling, that's enough for me to feel comfortable  
17 that the parent is willing to risk, is because  
18 they really believe that their child is not  
19 receiving the right placement. And so I'm going  
20 to vote in favor of this bill.

21 ACTING PRESIDENT VALESKY: Senator  
22 Adams in the affirmative.

23 Senator Krueger to explain her vote.

24 SENATOR KRUEGER: Thank you,  
25 Mr. President.

1           It's late. This is a bill that has  
2           only passed one house, the Senate, because the  
3           Assembly left not taking this bill up.

4           What I do think is critical for me  
5           to understand, based on the fact that there are  
6           so many organizations who frankly never agree on  
7           anything who are opposed to this bill, is to, for  
8           the record, be clear that my understanding is  
9           Senator Flanagan, in debating this bill, is  
10          making clear that it is his understanding the  
11          intent of the Legislature is no school should be  
12          paying out money for tuition if the parent  
13          chooses to move their child to an alternative  
14          placement until the full and complete process is  
15          completed.

16          Not simply upon the review officer,  
17          but rather when a complete process under federal  
18          law is completed -- that can include court -- and  
19          it has been ruled that the parents have the right  
20          to send their child to an alternative nonpublic  
21          school, then and only then would there be an  
22          obligation for the school system to pay anything.

23          So again, I'm voting no. But I  
24          think it's important to get the intent of the  
25          Legislature down that there is no obligation for



1 the school district to be paying this money in  
2 advance of the completion of the full federal  
3 process. Not an expectation the school puts out  
4 the money and if the parents lose, then they have  
5 an obligation to reimburse the school system,  
6 because that really isn't going to work for  
7 anyone.

8 Thank you, Mr. President.

9 ACTING PRESIDENT VALESKY: Senator  
10 Krueger in the negative.

11 Announce the results.

12 THE SECRETARY: Those recorded in  
13 the negative on Calendar 1573 are Senators  
14 Breslin, Carlucci, Gianaris, Hoylman, Kennedy,  
15 Krueger, Latimer, Martins, Montgomery, Parker,  
16 Perkins, Rivera, Serrano, Stavisky,  
17 Stewart-Cousins and Tkaczyk. Also Senators  
18 Gipson and O'Brien.

19 Absent from voting are Senators  
20 Diaz, Peralta and Sampson.

21 Ayes, 41. Nays, 18.

22 ACTING PRESIDENT VALESKY: The bill  
23 is passed.

24 Senator Libous.

25 SENATOR LIBOUS: Mr. President,

1 pursuant to Rule 6, Section 2, I move that we  
2 remain in session past 12:00 a.m. to complete  
3 bills that will be before this body.

4 ACTING PRESIDENT VALESKY: So  
5 ordered.

6 SENATOR LIBOUS: Thank you, sir.

7 ACTING PRESIDENT VALESKY: Senator  
8 Libous.

9 SENATOR LIBOUS: At this time we  
10 will go to the controversial reading and we will  
11 take up Calendar 1152.

12 ACTING PRESIDENT VALESKY: The  
13 Secretary will put Calendar 1152 before the  
14 Senate.

15 THE SECRETARY: Calendar Number  
16 1152, by Senator Young, Senate Print Number  
17 3079A, an act to amend the Civil Rights Law.

18 ACTING PRESIDENT VALESKY: Senator  
19 Hassell-Thompson.

20 SENATOR HASSELL-THOMPSON: Thank  
21 you, Mr. President.

22 I just have basically one question,  
23 if the --

24 ACTING PRESIDENT VALESKY: Senator  
25 Young, will you yield to a question?

1                   SENATOR YOUNG:    Yes, Mr. President.

2                   ACTING PRESIDENT VALESKY:    Senator  
3   Young yields.

4                   SENATOR HASSELL-THOMPSON:    Thank  
5   you.

6                   Do you see the scope of this bill  
7   including reporters?

8                   SENATOR YOUNG:    Through you,  
9   Mr. President, I'd like to explain to Senator  
10   Hassell-Thompson the purpose and the genesis of  
11   this particular piece of legislation.

12                   In 2003, I remember quite well, I  
13   was in the State Assembly then and there was a  
14   major push to pass Stephanie's Law, which was  
15   named after Stephanie Fuller, who came to Albany  
16   because she actually had been spied upon,  
17   videotaped by her landlord. He had actually put  
18   a video camera in a smoke detector over her bed  
19   and was surreptitiously videotaping her,  
20   obviously in private moments and so on.

21                   At that time the laws had not caught  
22   up to technology. Because the law said that if  
23   someone had videotaped her from her window, that  
24   would have been protected under New York State  
25   law. But because it was actually inside her

1 house, there was nothing that could be done. So  
2 people said, Hey, wait a minute, there's  
3 something wrong here. We need to change the law.

4 About a year or so ago, in my office  
5 I got a call from a frantic mother. And she said  
6 that she had young children, they have a home,  
7 there's a backyard, and they have a neighboring  
8 house. In the neighboring house is a registered  
9 sex offender. And the sex offender had video  
10 cameras, surveillance cameras that typically are  
11 trained on your own house, you know, to make sure  
12 there's no one intruding and so on. But what  
13 this sex offender had done is that he had turned  
14 the cameras to point toward the family's backyard  
15 where the children were playing, playing in the  
16 pool, and was basically spying and  
17 surreptitiously videotaping her children.

18 We looked into what that family  
19 could do, and basically there was absolutely  
20 nothing they could do.

21 Now, I believe that the front of  
22 your house, because it's the front of your house,  
23 is subject to videotaping and there's not much  
24 you can do about it. But I also believe that in  
25 your own backyard you should have that right of

1 privacy and protection for your family, the  
2 expectation you can enjoy your backyard without  
3 someone videotaping you.

4 SENATOR HASSELL-THOMPSON: I  
5 appreciate, I truly do, I appreciate the  
6 explanation.

7 On the bill.

8 ACTING PRESIDENT VALESKY: Senator  
9 Hassell-Thompson on the bill.

10 SENATOR HASSELL-THOMPSON: I had  
11 every intention of supporting the bill, and I  
12 still do.

13 I was just very curious, however,  
14 because many times people think that public  
15 servants, people who are in the public, have no  
16 right to privacy. And when I looked at this  
17 bill, I saw some possibilities in terms of saying  
18 within your own domain you should have the right  
19 to privacy.

20 And I become concerned because I've  
21 had people recently taking photos. And I went  
22 out and asked -- and he was in the front yard.  
23 And I asked, "What are you doing?" He said,  
24 "Well, I was just taking pictures of some of the  
25 houses in the neighborhood." And I said, "But

1 when I saw you, you were taking pictures of my  
2 house, and you don't have permission." And I  
3 said, "Who do you work for?" And he says, "No,  
4 well, I just was taking pictures."

5 I'm a public person. I resisted for  
6 a very long time having a website. And I  
7 certainly resisted having a Facebook. But  
8 anybody who knows me knows that I now have a  
9 website and I now do Facebook. And so to the  
10 extent that I can, I control as much as of the  
11 publicity about me as I can. I enjoy aspects of  
12 being a very public person, but I don't like the  
13 idea that people feel that because I'm a public  
14 servant that they can encroach in my yard and  
15 walk around and view my house when there's no For  
16 Sale sign or no invitation to do so.

17 And so I just become very disturbed  
18 that there is this notion out there that because  
19 you're a public person, everybody has a right to  
20 view you in whatever manner that they do.

21 I would like to hope that when we  
22 pass this bill we can continue to explore other  
23 venues of privacy that some of us have a right  
24 to. When I'm in the public arena, you have --  
25 and anyone has -- any right to access to me

1     that's appropriate, to me and to anybody else.  
2     But there has to be some level of privacy that  
3     we're entitled to and not be thought to be hiding  
4     anything.

5                     And so I just appreciate the fact  
6     that you've responded to constituents and to  
7     other people who come to you out of concern. But  
8     I think what you've done is take the first step  
9     that we need to take in terms of how do we have  
10    some control over the amount of exposure that we  
11    have to the e-world.

12                    And I appreciate the fact that you  
13    have done this, and you certainly have my  
14    support. And I'd like to continue the  
15    conversation to see what more we can do about an  
16    appropriate level of privacy that I think  
17    everybody is entitled to have.

18                    Thank you, Mr. President.

19                    ACTING PRESIDENT VALESKY:    Thank  
20    you, Senator Hassell-Thompson.

21                    The debate is closed. The Secretary  
22    will ring the bell.

23                    Read the last section.

24                    THE SECRETARY:    Section 2. This  
25    act shall take effect on the 30th day.

1                   ACTING PRESIDENT VALESKY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Absent from  
5   voting:  Senators Diaz, Peralta, Sampson and  
6   Sanders.

7                   Ayes, 58.

8                   ACTING PRESIDENT VALESKY:    The bill  
9   is passed.

10                  Senator Libous.

11                  SENATOR LIBOUS:    Mr. President, if  
12   we can take up Calendar Number 436, please.

13                  ACTING PRESIDENT VALESKY:    The  
14   Secretary will put Calendar 436 before the house.

15                  THE SECRETARY:    Calendar Number  
16   436, by Senator Golden, Senate Print 3851B, an  
17   act to amend the Real Property Tax Law.

18                  ACTING PRESIDENT VALESKY:    Senator  
19   Krueger.

20                  SENATOR KRUEGER:    Thank you,  
21   Mr. President.  If the sponsor would please yield  
22   for some questions.

23                  ACTING PRESIDENT VALESKY:    Senator  
24   Golden, do you yield?

25                  SENATOR GOLDEN:    Yes,



1 Mr. President.

2 ACTING PRESIDENT VALESKY: The  
3 sponsor yields.

4 SENATOR KRUEGER: Thank you.

5 So this is a bill that allows  
6 additional carve-outs from the current law for  
7 buildings that are not eligible for current J-51  
8 but would like to be put into the old J-51.

9 Could you please tell me the names  
10 of the buildings or the addresses of the  
11 buildings this would apply to?

12 SENATOR GOLDEN: I don't have a  
13 list of those buildings. I will tell you that  
14 J-51 has been around since the 1950s and that it  
15 has been grandfathered throughout the 1950s until  
16 this new J-51 that came into effect that would be  
17 for 12/31/2011 to 12/31/2014. And it left out  
18 the properties that were naturally grandfathered  
19 since the 1950s.

20 So those buildings that went out,  
21 gave a notice to the city, notified the city that  
22 they were going for the J-51 credits, went and  
23 got financing and did that six months or eight  
24 months before 12/31/2011, and then they would at  
25 12/31/2011 be denied the ability to use those tax

1 credits because the first time in the history of  
2 these tax credits they eliminated the opportunity  
3 for those properties to have access to those tax  
4 abatements.

5 SENATOR KRUEGER: Through you,  
6 Mr. President, if the sponsor would continue to  
7 yield.

8 ACTING PRESIDENT VALESKY: Senator  
9 Golden, do you yield?

10 SENATOR GOLDEN: Yes,  
11 Mr. President.

12 ACTING PRESIDENT VALESKY: The  
13 sponsor yields.

14 SENATOR KRUEGER: So you can't name  
15 the addresses or the developers, but you  
16 reference some knowledge of these concerns. So  
17 can you name one of them, any of them?

18 SENATOR GOLDEN: I don't have a  
19 list here of the properties. But I can tell you  
20 that it was any list that already had made a  
21 notice. There could be 20, 30, 40 properties  
22 that could have made notice of intent to the City  
23 of New York.

24 We believe it's somewhere a lot  
25 less. We believe it's about \$5 million cost to

1 the city. And we're doing -- this is a matter of  
2 equity. This is a matter of doing what's right  
3 for affordable housing for our communities, for  
4 fixing up distressed buildings, for helping those  
5 tenants in these distressed buildings, and for  
6 helping those blocks. It's doing the right thing  
7 for affordable housing and for making sure that  
8 we've got good housing stock in our communities.  
9 And that's why this has been around since 1950.  
10 It's a great program.

11 SENATOR KRUEGER: Through you,  
12 Mr. President, if the sponsor would continue to  
13 yield.

14 SENATOR GOLDEN: Yes,  
15 Mr. President.

16 ACTING PRESIDENT VALESKY: The  
17 sponsor yields.

18 SENATOR KRUEGER: What evidence is  
19 there that these buildings -- since we don't even  
20 know what they are -- would in fact be affordable  
21 units?

22 SENATOR GOLDEN: I've worked in my  
23 community, as you have, Senator Krueger, and  
24 you've seen what the J-51 tax credit -- well,  
25 maybe not in Manhattan. But in the outer

1     boroughs we do know what J-51 credits do. I've  
2     gone down these blocks, I've used J-51 credits  
3     working with different buildings to try to clean  
4     up neighborhoods and to clean up these different  
5     blocks.

6                     And this housing that this abatement  
7     and tax credits are used on are all  
8     rent-stabilized apartments, and they remain  
9     rent-stabilized apartments throughout the tax  
10    basement abatement.

11                    SENATOR KRUEGER:    Through you,  
12    Mr. President, if the sponsor could continue to  
13    yield.

14                    SENATOR GOLDEN:    I do,  
15    Mr. President.

16                    ACTING PRESIDENT VALESKY:    The  
17    sponsor yields.

18                    SENATOR KRUEGER:    So I don't get an  
19    answer on what these buildings are, their  
20    addresses, who owns them. What evidence is there  
21    that these selected carve-out buildings are in  
22    fact rent-regulated units?

23                    SENATOR GOLDEN:    These are not  
24    carve-outs, Mr. President. These are properties  
25    that were left in the doughnut hole. They were

1     incentivized to do a J-51 tax credit, and then  
2     the City of New York decided that we're not going  
3     to do that tax credit, after that person went out  
4     and got financing to fix up that building.

5             So what we did -- and they went and  
6     got that financing based on the history of J-51.  
7     And J-51 has been grandfathered since the 1950s.  
8     The only requirement is that the property has to  
9     be done within a 36-month period.

10            So that 36-month period stays within  
11    our legislation. So we know if the properties  
12    come forward, there's already a notice of intent  
13    with the city, so the city has a list of these  
14    properties and they know which properties they  
15    are and which properties are under construction.  
16    And some of these lists can go back as far as, I  
17    don't know, 2002, 2001.

18            We would presume that those  
19    properties are no longer in that tax abatement  
20    program and there are new ones, the one that came  
21    in 2011 in January or the one that came in in  
22    2010 or 2009. Those properties would very much  
23    probably come forward to see if they could  
24    participate and complete the J-51 tax credit  
25    requirements.

1                   SENATOR KRUEGER:    On the bill,  
2   Mr. President.

3                   ACTING PRESIDENT VALESKY:    Senator  
4   Krueger on the bill.

5                   SENATOR GOLDEN:    Mr. President, in  
6   my finishing to that answer, Senator Krueger  
7   obviously can get that list.  And if she can't, I  
8   will get her a list.

9                   Thank you, Mr. President.

10                  ACTING PRESIDENT VALESKY:    Senator  
11   Krueger on the bill.

12                  SENATOR KRUEGER:    On the bill.

13                  Thank the sponsor for his answers.

14                  It's 12:30, so probably neither of  
15   us can get the list right now.  But we know it  
16   would be a list somewhere within the City of  
17   New York's government.

18                  And I have before me a memo of  
19   opposition by city government pointing out that  
20   of course we've had J-51s since the '50's and we  
21   have modified it many times because of the  
22   recognition that things change.  Communities that  
23   needed incentivizing in 1950 are not the same as  
24   those who need it in 2013.  Communities where it  
25   made sense to use certain kinds of abatements and

1 credits in 1975 don't make sense in 2013.

2 Government evolves, programs evolve.

3 J-51 is a very expensive program to  
4 the City of New York, and it has to give up tax  
5 revenue and give up being able to have that money  
6 for other purposes, including affordable  
7 housing.

8 And so in fact in January of this  
9 year the Governor signed Chapter 4 of the Laws of  
10 2013 to provide much-needed reform to the J-51  
11 program. It was thought through. I actually had  
12 problems with some of the bill, but it has  
13 passed. And among changes were J-51 benefits for  
14 conversions of nonresidential buildings into  
15 residences, which means it's very unlikely this  
16 has anything to do with rent stabilization  
17 units.

18 They decided that there were certain  
19 categories that would no longer fall into J-51.  
20 Those are primarily because these are in areas of  
21 the City of New York where it's actually the  
22 pricing is quite high. The projects have  
23 continued. They do not need the incentives  
24 because they're already in fact being built.  
25 There's no basis to believe, according to the

1 City of New York, that these are affordable  
2 units, and these are not protection of existing  
3 rent-regulated units.

4           So in fact I do not believe this  
5 carve-out bill has anything to do with any units  
6 that would be affordable, rent-regulated, in  
7 areas that need the incentives. And the City of  
8 New York would have to give up quite a bit of tax  
9 revenue; the sponsor said perhaps \$5 million.  
10 Since none of us have the list, obviously none of  
11 us really know.

12           But I do know the City of New York  
13 is asking us to oppose the bill, and it's their  
14 tax money and their program. So I think  
15 something more is afoot, amiss. I have more  
16 questions; we won't be able to get answers. But  
17 I will respect that the City of New York knows  
18 what it wishes to do when it comes to its own tax  
19 abatement programs, and I would urge that we  
20 recognize local control of its own tax abatement  
21 programs and vote no on this bill.

22           Thank you, Mr. President.

23           ACTING PRESIDENT VALESKY: The  
24 debate is closed. The Secretary will ring the  
25 bell.



1                   Read the last section.

2                   THE SECRETARY:    Section 3.  This  
3   act shall take effect immediately.

4                   ACTING PRESIDENT VALESKY:   Call the  
5   roll.

6                   (The Secretary called the roll.)

7                   ACTING PRESIDENT VALESKY:    Senator  
8   Young to explain her vote.

9                   SENATOR YOUNG:    Thank you,  
10   Mr. President, to explain my vote.

11                   I commend Senator Golden for  
12   bringing forth this important piece of  
13   legislation.  The J-51 program, as Senator Golden  
14   said, has been around since the 1950s, and it  
15   dates all the way back to when there were  
16   tenements that had cold-water flats, no running  
17   water, maybe no heat.  And it was a mechanism for  
18   people to be able to afford to make significant  
19   upgrades to those properties so that the tenants  
20   had a decent, affordable place to live.

21                   When we renewed the J-51 program, it  
22   had expired.  And there were people who went out  
23   and got financing, as Senator Golden said, in  
24   good faith to complete these projects.  
25   Unfortunately, in the bill that was passed, these

1 individuals were left out. And this is a  
2 question of equity and fairness.

3           You know, the issue was brought up  
4 about the list. There really is no accurate list  
5 of which properties are involved. When you ask  
6 the city, they give you a list that goes back  
7 years and years and years, and most of those  
8 projects already have been completed. So we  
9 don't have any real accurate accounting of which  
10 properties would be in this, except that we know  
11 it's a limited universe of properties.

12           So again, I commend Senator Golden  
13 for bringing this issue forward. And because it  
14 is a good piece of legislation, it's good policy,  
15 I urge all of my colleagues to vote yes and I  
16 will be voting yes.

17           ACTING PRESIDENT VALESKY:    Senator  
18 Young in the affirmative.

19           Senator Hoylman to explain his vote.

20           SENATOR HOYLMAN:    Thank you,  
21 Mr. President.

22           The purpose of an incentive program  
23 like J-51, as I understand it, is to encourage  
24 future action or good behavior; in this case,  
25 affordable housing. It really makes no sense to

1 me to provide a tax-break incentive  
2 retroactively.

3 It's a scandalous waste of money. I  
4 vote no, Mr. President.

5 ACTING PRESIDENT VALESKY: Senator  
6 Hoylman in the negative.

7 Announce the results.

8 THE SECRETARY: Those recorded in  
9 the negative on Calendar Number 436 are Senators  
10 Adams, Avella, Gipson, Hoylman, Krueger,  
11 Montgomery, Perkins, Rivera, Serrano and  
12 Squadron.

13 Those Senators absent from voting:  
14 Senators Diaz, Peralta, Sampson and Sanders.

15 Ayes, 48. Nays, 10.

16 ACTING PRESIDENT VALESKY: The bill  
17 is passed.

18 Senator Libous.

19 SENATOR LIBOUS: Mr. President,  
20 could we go to messages from the Assembly,  
21 please.

22 ACTING PRESIDENT VALESKY: Messages  
23 from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: The Assembly sent

1 for concurrence the following bill. On motion by  
2 Senator Skelos and Senator Klein, said bill  
3 ordered direct to third reading: Assembly Bill  
4 Number 7667B.

5 SENATOR LIBOUS: Is the bill on the  
6 desks yet?

7 ACTING PRESIDENT VALESKY: No.

8 SENATOR LIBOUS: Senator Krueger,  
9 I'm sorry, we can't do it yet. I know you would  
10 not want us to do the bill unless it were on the  
11 desks.

12 Mr. President.

13 ACTING PRESIDENT VALESKY: Senator  
14 Libous.

15 SENATOR LIBOUS: There will be an  
16 immediate meeting of the Judiciary Committee in  
17 Room 332. It will be a quick, brief meeting to  
18 do one nomination.

19 In the meantime, we are going to  
20 take up the Resolution Calendar. We're going to  
21 go back to motions and resolutions. I believe  
22 there's two items, two resolutions that a couple  
23 of members want to speak briefly on, and we'll  
24 let them do that while we go to Judiciary. And  
25 then we're going to look for Senator Krueger's

1 handout.

2           ACTING PRESIDENT VALESKY:  
3 Immediate meeting of the Senate Judiciary  
4 Committee in Room 332 of the Capitol.

5           Returning to motions and  
6 resolutions, Senator Libous.

7           SENATOR LIBOUS: Mr. President, be  
8 with you in a second.

9           Mr. President, can we have some  
10 order in the chamber. We're not going anywhere.  
11 We called Judiciary, and we're going to do  
12 something.

13           ACTING PRESIDENT VALESKY:  
14 Judiciary Committee members should quietly  
15 proceed to Room 332 in the Capitol.

16           Senator Libous.

17           SENATOR LIBOUS: Mr. President, at  
18 this time could we adopt the Resolution Calendar  
19 that's on the desks.

20           ACTING PRESIDENT VALESKY: All  
21 those in favor of adopting the Resolution  
22 Calendar signify by saying aye.

23           (Response of "Aye.")

24           ACTING PRESIDENT VALESKY: Opposed,  
25 nay.

1 (No response.)

2 ACTING PRESIDENT VALESKY: The  
3 Resolution Calendar is adopted.

4 SENATOR LIBOUS: Mr. President,  
5 could you call on Senator Kennedy to speak on  
6 Resolution 2594, please, which was adopted by the  
7 house on June 20th.

8 ACTING PRESIDENT VALESKY: Senator  
9 Kennedy on Resolution 2594.

10 SENATOR KENNEDY: Thank you,  
11 Mr. President.

12 I do know it's late. I know  
13 everybody is moving around. I'm just -- if I  
14 could just have some order, Mr. President, only  
15 because of this resolution honoring an individual  
16 who gave so much to his community who recently  
17 passed.

18 ACTING PRESIDENT VALESKY: If we  
19 could have some quiet in the chamber, please, so  
20 that we may hear Senator Kennedy's presentation.

21 SENATOR KENNEDY: Thank you very  
22 much, Mr. President.

23 Today we pay tribute and separate  
24 the life of the Honorable Judge Frank Sedita, Jr.  
25 As the son of three-term Buffalo mayor Frank

1 Sedita and the father of Erie County District  
2 Attorney Frank Sedita III, he and his family have  
3 contributed immensely to the Western New York  
4 community and to the City of Buffalo.

5 Frank is also remembered as a loving  
6 husband, and he's survived by his loving wife of  
7 52 years, Marilyn Hemstock Sedita.

8 Our thoughts and prayers go out to  
9 the Sedita family today. Judge Sedita was a  
10 well-respected man and a jurist who did great  
11 things for our city, our region, and our state.

12 Some of his most impressive work  
13 came during the years he served on the City of  
14 Buffalo's Housing Court. He didn't just sit on  
15 the bench and wait for cases to come before him.  
16 Judge Sedita went out into the community and  
17 fought to improve the quality of life in  
18 neighborhoods throughout the City of Buffalo. He  
19 took on the slumlords. He went after dilapidated  
20 housing. And he stood up for city residents who  
21 long needed a strong ally like him.

22 Judge Sedita didn't hesitate to  
23 impose tough deadlines for necessary repairs, and  
24 he made sure stiff penalties were in place if you  
25 deliberately left property in deplorable

1 conditions. Some started calling him "Maximum  
2 Frank," for his no-nonsense approach to improving  
3 the city's housing standards.

4 But it wasn't just about being tough  
5 on slumlords, it was about making sure people in  
6 Buffalo knew someone had their back. He  
7 understood that homeowners and tenants alike  
8 deserve dignity and they deserve the chance to be  
9 proud of the roof they pay to keep over their  
10 heads.

11 As a housing court judge, he made  
12 extraordinary progress and helped making living  
13 conditions far greater for many residents of the  
14 City of Buffalo. But his housing court days are  
15 just a short period of his decades of service to  
16 our community and to our state. In 1994 he  
17 became a State Supreme Court judge and continued  
18 his work to protect and preserve justice in the  
19 Empire State.

20 For 16 years, he served on the  
21 Supreme Court, and during those years he did all  
22 he could to lift and strengthen our community.  
23 Those who had to present their cases before him  
24 in court knew him as a tough, strong-willed  
25 judge. But his friends knew him differently.



1 They recognized his generosity and compassion,  
2 and they appreciated all that he did for our  
3 community.

4 Frank Sedita, Jr., had a steadfast  
5 commitment to the City of Buffalo. He was raised  
6 here, attended Buffalo public schools, graduated  
7 from Canisius College and earned his law degree  
8 at the University of Buffalo. He dedicated his  
9 life to improving the lot of his neighbors in the  
10 City of Buffalo and in all of Western New York.

11 Judge Sedita stood for justice, and  
12 he was relentless in his pursuit of justice. He  
13 will certainly be missed by all whose lives were  
14 touched by this great man. May he rest in  
15 peace.

16 And with that said, Mr. President,  
17 I'd like to open up this resolution for  
18 cosponsorship. Thank you very much.

19 ACTING PRESIDENT VALESKY: The  
20 resolution will be open for cosponsorship.  
21 Anyone wishing not to be a cosponsor should  
22 notify the desk.

23 Senator Grisanti on the resolution.

24 SENATOR GRISANTI: Yes, thank you,  
25 Mr. President.

1 I've actually known Judge Sedita on  
2 a personal level because, serving 20 years as an  
3 attorney, I appeared in front of him many times;  
4 just recently, probably about six or seven months  
5 ago, before he became ill.

6 You know, his son Frank is the  
7 district attorney in Erie County, does a fine  
8 job.

9 But the funny thing about it is, you  
10 know, you go back to history, is that my father,  
11 my mother, and believe it or not my  
12 mother-in-law, they used to play together when  
13 they were kids in the lower west side of Buffalo  
14 in a very quaint Italian town, basically going to  
15 Cristiano's Bakery, places like that, always  
16 meeting, going to dances. From what I  
17 understand, he was an excellent dancer.

18 And, you know, he was a gentleman  
19 and a scholar who's going to be missed by many.  
20 As a matter of fact, they had the mass ceremony  
21 here this past Thursday. We were in session; I  
22 was sorry to miss that. I texted his son, told  
23 him my prayers are with him, from myself and my  
24 wife.

25 But I appreciate Senator Kennedy in

1 recognizing the other Senators from Western  
2 New York on the resolution. It's important  
3 because he was an icon in the City of Buffalo,  
4 and he's going to be sorely missed.

5 Thank you, Mr. President.

6 ACTING PRESIDENT VALESKY: Thank  
7 you, Senator Grisanti.

8 The resolution has been adopted.

9 Senator Libous.

10 SENATOR LIBOUS: Mr. President,  
11 could we just pause for a moment. We're still  
12 looking for Senator Krueger's bill.

13 ACTING PRESIDENT VALESKY: The  
14 Senate will stand at ease temporarily.

15 (Whereupon, the Senate stood at ease  
16 at 12:49 a.m.)

17 (Whereupon, the Senate reconvened at  
18 12:51 a.m.)

19 SENATOR LIBOUS: Mr. President,  
20 could we go to reports of standing committees. I  
21 believe there's a report of the Judiciary  
22 Committee at the desk.

23 ACTING PRESIDENT CARLUCCI: Reports  
24 of standing committees.

25 The Secretary will read the report

1 of the Judiciary Committee.

2 THE SECRETARY: Senator Bonacic,  
3 from the Committee on Judiciary, reports the  
4 following nomination.

5 As judge for the Court of Claims,  
6 the Honorable Denise L. Sher.

7 ACTING PRESIDENT CARLUCCI: Senator  
8 Bonacic.

9 SENATOR BONACIC: Thank you,  
10 Mr. President.

11 Today, Saturday, June 22nd, the  
12 Judiciary Committee met and considered the  
13 nomination of Denise L. Sher, of Hewlett Harbor,  
14 to the Court of Claims.

15 Pursuant to provisions of Section 2  
16 of Article 6 of the Constitution and Section 68  
17 of the Judiciary Law, the Judiciary Committee has  
18 reported the nomination to the Senate.

19 Judge Sher presently is a judge of  
20 the Nassau County Supreme Court. Her nomination  
21 is to the Court of Claims to fill a term expiring  
22 on December 31, 2022.

23 She is from Hewlett Harbor, on  
24 Long Island, and she's a constituent of Senator  
25 Skelos. She could not appear when we did the

1 other judges because she has an ongoing trial.

2 The Judiciary Committee unanimously  
3 supported her. We liked her qualifications. We  
4 deemed her highly qualified based on her wealth  
5 of experience as a judge. I strongly urge this  
6 body to support the nomination of Judge Sher to  
7 the Court of Claims.

8 Thank you, Mr. President.

9 ACTING PRESIDENT CARLUCCI: Thank  
10 you, Senator Bonacic.

11 Senator Martins on the nomination.

12 SENATOR MARTINS: Mr. President, I  
13 am proud to stand here and second the nomination  
14 of Judge Sher to the Court of Claims.

15 I had the privilege over the years  
16 to have appeared before Judge Sher. I know her.  
17 She is a judge's judge. She's a wonderful  
18 jurist, the kind of judge that there should be  
19 more of out there, frankly. She's good on the  
20 law -- she's great on the law. She's kind to  
21 those who appear before her, but she has a way  
22 about her that makes everyone feel welcome.

23 She'll be a wonderful jurist on the  
24 Court of Claims. She's been a wonderful jurist,  
25 and she certainly has the gravitas, the knowledge

1 to do this job. I am proud to stand here and  
2 urge my colleagues to support this nomination.

3 ACTING PRESIDENT CARLUCCI: The  
4 question is on the nomination of Denise L. Sher  
5 for the position of judge of the Court of  
6 Claims. All in favor signify by saying aye.

7 (Response of "Aye.")

8 ACTING PRESIDENT CARLUCCI:  
9 Opposed, nay.

10 (No response.)

11 ACTING PRESIDENT CARLUCCI: Denise  
12 L. Sher is hereby confirmed as judge for the  
13 Court of Claims.

14 (Applause.)

15 ACTING PRESIDENT CARLUCCI:  
16 Senator Libous.

17 SENATOR LIBOUS: Now,  
18 Mr. President, can we return to messages from the  
19 Assembly.

20 I believe there's a hand-down on a  
21 bill for Senator Krueger.

22 ACTING PRESIDENT CARLUCCI:  
23 Messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: The Assembly sent

1 for concurrence the following bill. On motion by  
2 Senator Skelos and Senator Klein, said bill  
3 ordered direct to third reading: Assembly Bill  
4 Number 7667B.

5 ACTING PRESIDENT CARLUCCI: The  
6 bill is ordered to third reading.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 1633, by Member of the Assembly Gottfried,  
10 Assembly Print Number 7667B, an act to amend the  
11 Public Health Law.

12 ACTING PRESIDENT CARLUCCI: Read  
13 the last section.

14 THE SECRETARY: Section 7. This  
15 act shall take effect on the 180th day.

16 ACTING PRESIDENT CARLUCCI: Call  
17 the roll.

18 (The Secretary called the roll.)

19 ACTING PRESIDENT CARLUCCI: Senator  
20 Krueger to explain her vote.

21 SENATOR KRUEGER: Thank you,  
22 Mr. President.

23 Tonight we're passing a bill that  
24 earlier passed in the Assembly, my bill Senate  
25 Bill 3137A, which I have been working on for

1 several years.

2           It's a bill that can have enormous  
3 impact for women and their families in New York.  
4 It's a bill that provides standards for review  
5 and referral for women who may be suffering from  
6 maternal depression, often known as postpartum  
7 depression. In fact, according to the New York  
8 State Department of Health, postpartum depression  
9 is the most common medical disorder after  
10 childbirth.

11           Denial, ignorance, stigma are major  
12 roadblocks to wellness. When maternal depression  
13 is left unrecognized, untreated or undertreated,  
14 preventable devastating continuations may occur.  
15 Research has shown that untreated, maternal  
16 depression during pregnancy and after having a  
17 baby negatively affects the birth outcome, infant  
18 mental health, bonding attachment, breast-feeding  
19 and child development. And of course many of us  
20 know the horror stories when there's an increased  
21 risk of maternal suicide, infanticide, filicide,  
22 when it's untreated and undetected.

23           This issue was brought to my  
24 attention originally by a woman who I respect  
25 immensely and had worked with professionally, a



1     trained social worker who came to explain to me  
2     how, when she had her child, she didn't  
3     understand what hit her. She lived in the City  
4     of New York with amazing medical care and  
5     hospitals, she was a trained social work  
6     professional herself, and yet she found herself  
7     suffering from horrendous thoughts of suicide and  
8     harming her child, inability to take care of  
9     herself or her child.

10                 She and her husband were in panic.  
11     She kept saying to doctors, "What is wrong with  
12     me? I need help." And yet nobody seemed to be  
13     able to even explain to her what she was  
14     suffering.

15                 So I started reaching out to other  
16     women who work in this field, particularly the  
17     Postpartum Resource Center of New York, which is  
18     actually located in Nassau County. And I reached  
19     out to psychiatrists who work with women who  
20     suffer from this, and to other mothers who came  
21     forward to tell me of their experiences. We had  
22     roundtables. We worked to identify what works  
23     and what doesn't. We looked at state legislation  
24     from around the country and even international  
25     models for how to diagnose, evaluate, and ensure

1     that women are referred to the services that they  
2     need.

3             It's an enormously large number of  
4     women. The record is that up to 10 percent of  
5     women who are having infants each day we are here  
6     could be suffering from some model of postpartum  
7     depression or maternal depression.

8             This bill may not go far enough,  
9     like so many of the pieces of legislation we end  
10    up doing here, but what it will do, it will have  
11    the Department of Health establish a  
12    best-practice protocol for evaluating postpartum  
13    depression, maternal depression. Pediatricians  
14    and OB-GYNs throughout the state are very excited  
15    about setting up a model not only where they can  
16    do the screenings, but there is an improved and  
17    expanded system of referral to ensure these women  
18    are getting the help that they need.

19            I believe that with passage of this  
20    law New York State will in fact be the front  
21    runner in the country for legislation that  
22    actually designs a best-practice model to make  
23    sure that women, perhaps all women who give birth  
24    in our state, are screened to ensure that if they  
25    need help, they get it. Because in fact we

1 pretty much make sure that no woman goes through  
2 the completion of her pregnancy without having  
3 prenatal care. And then we have our well-baby  
4 system and our insurance system in New York for  
5 the first year of a child's life where there are  
6 at least six visits to a pediatrician, and  
7 pediatricians will be involved in the screening.

8               So I am very pleased that this bill  
9 is before us, I don't know if it's Saturday  
10 morning officially or still Friday night. Well,  
11 in real life it's Saturday morning. I'm not sure  
12 we actually gaveled in and out.

13              But I'm very pleased this bill is  
14 before the house. It has passed the Assembly. I  
15 would be surprised if anyone wanted to vote  
16 against it. And then I would also be very  
17 surprised if it didn't become law in this state,  
18 and we will all have done a good and important  
19 thing for women's health and their children.

20              Thank you, Mr. President.

21              ACTING PRESIDENT CARLUCCI: Thank  
22 you, Senator Krueger.

23              Seeing no other Senators wishing to  
24 explain their vote, the Secretary will announce  
25 the results.

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT CARLUCCI: The  
3 bill is passed.

4 Senator Libous.

5 SENATOR LIBOUS: There will be an  
6 immediate meeting of the Rules Committee in  
7 Room 332.

8 ACTING PRESIDENT CARLUCCI: There  
9 will be an immediate meeting of the Rules  
10 Committee in Room 332.

11 (Whereupon, the Senate stood at ease  
12 at 1:01 a.m.)

13 (Whereupon, the Senate reconvened at  
14 1:23 a.m.)

15 SENATOR LIBOUS: Mr. President.

16 ACTING PRESIDENT CARLUCCI: Senator  
17 Libous.

18 SENATOR LIBOUS: If we could go to  
19 reports of standing committees, I believe there's  
20 a report of the Rules Committee at the desk.

21 ACTING PRESIDENT CARLUCCI: Reports  
22 of standing committees.

23 Yes, there is a report from the  
24 Rules Committee at the desk. The Secretary will  
25 read.

1                   THE SECRETARY:   Senator Skelos,  
2   from the Committee on Rules, reports the  
3   following bills:  
4                   Senate Print 951, by Senator Parker,  
5   an act to amend the Penal Law;  
6                   1199, by Senator Carlucci, an act to  
7   amend the Real Property Tax Law;  
8                   1643, by Senator Carlucci, an act to  
9   amend the Public Health Law;  
10                  2313, by Senator DeFrancisco, an act  
11   to amend the Labor Law;  
12                  2328A, by Senator Klein, an act to  
13   amend the Social Services Law;  
14                  2728, by Senator Adams, an act to  
15   amend the Penal Law;  
16                  3179, by Senator Rivera, an act  
17   authorizing the Urban Development Corporation;  
18                  3335B, by Senator Griffo, an act to  
19   amend the Parks, Recreation and Historic  
20   Preservation Law;  
21                  3361, by Senator DeFrancisco, an act  
22   to amend the Labor Law;  
23                  3532, by Senator O'Brien, an act to  
24   amend the Correction Law;  
25                  3899, by Senator Young, an act to

1 amend the Family Court Act;

2 4043B, by Senator Bonacic, an act to  
3 amend the Uniform City Court Act;

4 4229, by Senator Golden, an act to  
5 amend the Civil Service Law;

6 4668B, by Senator Carlucci, an act  
7 to amend the Public Health Law;

8 4812B, by Senator Marcellino, an act  
9 to amend the Alcoholic Beverage Control Law;

10 4998, by Senator Lanza, an act to  
11 amend the Environmental Conservation Law;

12 5083, by Senator Seward, an act to  
13 amend the Insurance Law;

14 5086, by Senator LaValle, an act to  
15 amend the Education Law;

16 5101C, by Senator Stewart-Cousins,  
17 an act authorizing the leasing of certain  
18 parkland;

19 5117A, by Senator Savino, an act to  
20 amend the Social Services Law;

21 5118, by Senator Savino, an act in  
22 relation to tax exemptions;

23 5150A, by Senator Maziarz, an act to  
24 amend the Public Service Law;

25 5238, by Senator Golden, an act to

1 amend the Tax Law;

2 5668, by Senator Klein, an act to  
3 amend the Alcoholic Beverage Control Law;

4 5697, by Senator Grisanti, an act to  
5 amend Part H of Chapter 1 of the Laws of 2003;

6 5715A, by Senator Bonacic, an act to  
7 amend the General Obligations Law;

8 5752, by Senator Klein, an act to  
9 amend the Alcoholic Beverage Control Law;

10 5759A, by Senator Golden, an act to  
11 amend the Administrative Code of the City of  
12 New York;

13 5818, by Senator Zeldin, an act in  
14 relation to the formulation and implementation of  
15 a statewide plan for evacuation;

16 5823, by the Senate Committee on  
17 Rules, an act to amend the Alcoholic Beverage  
18 Control Law;

19 5829, by Senator Stewart-Cousins, an  
20 act to amend Chapter 118 of the Laws of 1969;

21 5853, by Senator Farley, an act to  
22 legalize, validate, ratify and confirm;

23 5856, by Senator Marchione, an act  
24 to amend Chapter 486 of the Laws of 1964;

25 5857, by Senator Boyle, an act to

1 authorize the Family Service League;

2 5859, by Senator Fuschillo, an act  
3 to amend the Vehicle and Traffic Law;

4 5861, by Senator Maziarz, an act to  
5 amend the Public Authorities Law;

6 5864, by Senator Nozzolio, an act to  
7 amend the State Finance Law;

8 5869, by Senator Kennedy, an act to  
9 amend the Penal Law;

10 And 5885, by Senator Savino, an act  
11 to amend the Labor Law.

12 All bills reported direct to third  
13 reading.

14 ACTING PRESIDENT CARLUCCI: Senator  
15 Libous.

16 SENATOR LIBOUS: Mr. President, I  
17 move to accept the report of the Rules Committee.

18 ACTING PRESIDENT CARLUCCI: All in  
19 favor of accepting the report of the Rules  
20 Committee signify by saying aye.

21 (Response of "Aye.")

22 ACTING PRESIDENT CARLUCCI:  
23 Opposed, nay.

24 (No response.)

25 ACTING PRESIDENT CARLUCCI: The



1 Rules Committee report is accepted.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President, we  
4 have in front of us Senate Supplemental Calendar  
5 Number 57C. That's what we're going to take up  
6 right now, 57C. Noncontroversial reading.

7 ACTING PRESIDENT CARLUCCI: The  
8 Secretary will read Supplemental Calendar 57C,  
9 noncontroversial.

10 THE SECRETARY: Calendar Number  
11 1577, by Senator Parker, Senate Print 951, an act  
12 to amend the Penal Law.

13 ACTING PRESIDENT CARLUCCI: Read  
14 the last section.

15 THE SECRETARY: Section 5. This  
16 act shall take effect on the first of November.

17 ACTING PRESIDENT CARLUCCI: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CARLUCCI:  
21 Announce the results.

22 THE SECRETARY: Ayes, 62. Nays,  
23 1. Senator Montgomery recorded in the negative.

24 ACTING PRESIDENT CARLUCCI: The  
25 bill is passed.

1                   THE SECRETARY:   In relation to  
2   Calendar Number 1595, Senator Carlucci moves to  
3   discharge, from the Committee on Finance,  
4   Assembly Bill Number 565 and substitute it for  
5   the identical Senate Bill Number 1199, Third  
6   Reading Calendar 1595.

7                   ACTING PRESIDENT CARLUCCI:  
8   Substitution ordered.

9                   The Secretary will read.

10                  THE SECRETARY:   Calendar Number  
11   1595, by Member of the Assembly Cusick, Assembly  
12   Print Number 565, an act to amend the Real  
13   Property Tax Law.

14                  ACTING PRESIDENT CARLUCCI:   Read  
15   the last section.

16                  THE SECRETARY:   Section 3.   This  
17   act shall take effect immediately.

18                  ACTING PRESIDENT CARLUCCI:   Call  
19   the roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT CARLUCCI:  
22   Announce the results.

23                  THE SECRETARY:   Ayes, 63.

24                  ACTING PRESIDENT CARLUCCI:   The  
25   bill is passed.

1                   THE SECRETARY:   In relation to  
2   Calendar Number 1596, Senator Carlucci moves to  
3   discharge, from the Committee on Health, Assembly  
4   Bill Number 4025 and substitute it for the  
5   identical Senate Bill Number 1643, Third Reading  
6   Calendar 1596.

7                   ACTING PRESIDENT CARLUCCI:  
8   Substitution ordered.

9                   The Secretary will read.

10                  THE SECRETARY:   Calendar Number  
11   1596, by Member of the Assembly Galef, Assembly  
12   Print Number 4025, an act to amend the Public  
13   Health Law.

14                  ACTING PRESIDENT CARLUCCI:   Read  
15   the last section.

16                  THE SECRETARY:   Section 2.   This  
17   act shall take effect on the 90th day.

18                  ACTING PRESIDENT CARLUCCI:   Call  
19   the roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT CARLUCCI:   Senator  
22   Krueger.

23                  SENATOR KRUEGER:   Could I ask you  
24   to give me the bill number we are on?

25                  ACTING PRESIDENT CARLUCCI:   We are

1 on Calendar Number 1596.

2 SENATOR KRUEGER: Thank you very  
3 much.

4 ACTING PRESIDENT CARLUCCI: The  
5 Secretary will call the roll.

6 (The Secretary called the roll.)

7 ACTING PRESIDENT CARLUCCI: Senator  
8 Zeldin to explain his vote.

9 SENATOR ZELDIN: Very briefly. I  
10 believe that the bill is well-intentioned.  
11 Reading the bill, I just wish that the boundaries  
12 were a little bit better defined on the  
13 playground. Very well-intentioned, but I have to  
14 vote no.

15 ACTING PRESIDENT CARLUCCI:  
16 Announce the results.

17 THE SECRETARY: Those recorded in  
18 the negative on Calendar Number 1596: Senators  
19 Little, Marchione, Ranzenhofer and Zeldin.

20 Ayes, 59. Nays, 4.

21 ACTING PRESIDENT CARLUCCI: the  
22 bill is passed.

23 THE SECRETARY: Calendar Number  
24 1597, by Senator DeFrancisco, Senate Print 2313,  
25 an act to amend the Labor Law.

1                   ACTING PRESIDENT CARLUCCI:    Read  
2   the last section.

3                   THE SECRETARY:    Section 2.   This  
4   act shall take effect immediately.

5                   ACTING PRESIDENT CARLUCCI:    Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT CARLUCCI:  
9   Announce the results.

10                  THE SECRETARY:    Those recorded in  
11   the negative on Calendar Number 1597:  Senators  
12   Addabbo, Avella, Breslin, Espaillat, Gianaris,  
13   Hassell-Thompson, Hoylman, Kennedy, Klein,  
14   Krueger, Latimer, Parker, Perkins, Rivera,  
15   Savino, Serrano, Squadron, Stavisky and  
16   Stewart-Cousins.  Also Senator Montgomery.

17                  Ayes, 43.  Nays, 20.

18                  ACTING PRESIDENT CARLUCCI:    The  
19   bill is passed.

20                  THE SECRETARY:    Calendar Number  
21   1598, by Senator Klein, Senate Print 2328A, an  
22   act to amend the Social Services Law.

23                  ACTING PRESIDENT CARLUCCI:    Read  
24   the last section.

25                  THE SECRETARY:    Section 2.  This

1 act shall take effect on the 180th day.

2 ACTING PRESIDENT CARLUCCI: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT CARLUCCI:  
6 Announce the results.

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT CARLUCCI: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 1599, by Senator Adams, Senate Print 2728, an act  
12 to amend the Penal Law.

13 ACTING PRESIDENT CARLUCCI: Read  
14 the last section.

15 THE SECRETARY: Section 2. This  
16 act shall take effect on the first of November.

17 ACTING PRESIDENT CARLUCCI: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CARLUCCI:  
21 Announce the results.

22 THE SECRETARY: Recorded in the  
23 negative on Calendar 1599: Senator Montgomery.

24 Ayes, 62. Nays, 1.

25 ACTING PRESIDENT CARLUCCI: The

1 bill is passed.

2 THE SECRETARY: Calendar Number  
3 1600, by Senator Rivera --

4 SENATOR RIVERA: Lay the bill aside  
5 for the day.

6 ACTING PRESIDENT CARLUCCI: The  
7 bill is laid aside for the day.

8 THE SECRETARY: In relation to  
9 Calendar Number 1601, Senator Griffio moves to  
10 discharge, from the Committee on Cultural Affairs  
11 Tourism, Parks and Recreation, Assembly Print  
12 2734B and substitute it for the identical Senate  
13 Bill Number 3335B, Third Reading Calendar 1601.

14 ACTING PRESIDENT CARLUCCI:  
15 Substitution ordered.

16 The Secretary will read.

17 THE SECRETARY: Calendar Number  
18 1601, by Member of the Assembly Brindisi,  
19 Assembly Print Number 2734B, an act to amend the  
20 Parks, Recreation and Historic Preservation Law.

21 ACTING PRESIDENT CARLUCCI: Read  
22 the last section.

23 THE SECRETARY: Section 2. This  
24 act shall take effect November 1, 2013.

25 ACTING PRESIDENT CARLUCCI: Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CARLUCCI:

4 Announce the results.

5 THE SECRETARY: Those recorded in

6 the negative on Calendar 1601: Senators

7 DeFrancisco, Libous, Maziarz and Ritchie.

8 Ayes, 59. Nays, 4.

9 ACTING PRESIDENT CARLUCCI: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 1602, by Senator DeFrancisco, Senate Print 3361,  
13 an act to amend the Labor Law.

14 ACTING PRESIDENT CARLUCCI: Read  
15 the last section.

16 THE SECRETARY: Section 4. This  
17 act shall take effect on the 120th day.

18 ACTING PRESIDENT CARLUCCI: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT CARLUCCI:

22 Announce the results.

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT CARLUCCI: The  
25 bill is passed.



1                   THE SECRETARY:    Calendar Number  
2   1603, by Senator O'Brien, Senate Print 3532, an  
3   act to amend the Correction Law.

4                   ACTING PRESIDENT CARLUCCI:   Read  
5   the last section.

6                   THE SECRETARY:    Section 2.   This  
7   act shall take effect immediately.

8                   ACTING PRESIDENT CARLUCCI:   Call  
9   the roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT CARLUCCI:  
12   Announce the results.

13                   THE SECRETARY:    Ayes, 63.

14                   ACTING PRESIDENT CARLUCCI:   The  
15   bill is passed.

16                   THE SECRETARY:    Calendar Number  
17   1604, by Senator Young, Senate Print 3899, an act  
18   to amend the Family Court Act.

19                   ACTING PRESIDENT CARLUCCI:   Read  
20   the last section.

21                   THE SECRETARY:    Section 2.   This  
22   act shall take effect immediately.

23                   ACTING PRESIDENT CARLUCCI:   Call  
24   the roll.

25                   (The Secretary called the roll.)

1                   ACTING PRESIDENT CARLUCCI:

2   Announce the results.

3                   THE SECRETARY:   Recorded in the  
4   negative on Calendar Number 1604:   Senator Ball.

5                   Ayes, 62.   Nays, 1.

6                   ACTING PRESIDENT CARLUCCI:   The  
7   bill is passed.

8                   THE SECRETARY:   In relation to  
9   Calendar Number 1605, Senator Bonacic moves to  
10   discharge, from the Committee on Rules, Assembly  
11   Bill Number 6552B and substitute it for the  
12   identical Senate Bill Number 4043B, Third Reading  
13   Calendar 1605.

14                  ACTING PRESIDENT CARLUCCI:  
15   Substitution ordered.

16                  The Secretary will read.

17                  THE SECRETARY:   Calendar Number  
18   1605, by Member of the Assembly Morelle, Assembly  
19   Print Number 6552B, an act to amend the Uniform  
20   City Court Act.

21                  ACTING PRESIDENT CARLUCCI:   Read  
22   the last section.

23                  THE SECRETARY:   Section 8.   This  
24   act shall take effect on the first of April.

25                  ACTING PRESIDENT CARLUCCI:   Call

1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CARLUCCI:

4 Announce the results.

5 THE SECRETARY: Ayes, 62. Nays,  
6 1. Senator Ball in the negative.

7 ACTING PRESIDENT CARLUCCI: The  
8 bill is passed.

9 THE SECRETARY: Calendar Number  
10 1606, by Senator Golden --

11 ACTING PRESIDENT CARLUCCI: This  
12 bill doesn't have a home-rule message at the  
13 desk. It will be laid aside for the day.

14 The Secretary will continue to read.

15 THE SECRETARY: In relation to  
16 Calendar Number 1607, Senator Carlucci moves to  
17 discharge, from the Committee on Rules, Assembly  
18 Bill Number 7500A and substitute it for the  
19 identical Senate Bill Number 4668B, Third Reading  
20 Calendar 1607.

21 ACTING PRESIDENT CARLUCCI:  
22 Substitution ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1607, by Member of the Assembly Steck, Assembly

1     Print Number 7500A, an act to amend the Public  
2     Health Law.

3                   ACTING PRESIDENT CARLUCCI:     Read  
4     the last section.

5                   THE SECRETARY:     Section 9.   This  
6     act shall take effect immediately.

7                   ACTING PRESIDENT CARLUCCI:     Call  
8     the roll.

9                   (The Secretary called the roll.)

10                  ACTING PRESIDENT CARLUCCI:  
11     Announce the results.

12                  THE SECRETARY:     Those recorded in  
13     the negative on Calendar Number 1607:   Senators  
14     Ball, Marchione and Ritchie.   Also Senators  
15     O'Mara, Ranzenhofer, Little and Young.

16                  Ayes, 56.   Nays, 7.

17                  ACTING PRESIDENT CARLUCCI:     The  
18     bill is passed.

19                  THE SECRETARY:     Calendar Number  
20     1608, by Senator Marcellino, Senate Print 4812B,  
21     an act to amend the Alcoholic Beverage Control  
22     Law.

23                  ACTING PRESIDENT CARLUCCI:     Read  
24     the last section.

25                  THE SECRETARY:     Section 2.   This

1 act shall take effect immediately.

2 ACTING PRESIDENT CARLUCCI: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT CARLUCCI:  
6 Announce the results.

7 THE SECRETARY: Recorded in the  
8 negative on Calendar 1608: Senator Fuschillo.

9 Ayes, 62. Nays, 1.

10 ACTING PRESIDENT CARLUCCI: The  
11 bill is passed.

12 THE SECRETARY: Calendar Number  
13 1609, by Senator Lanza, Senate Print 4998, an act  
14 to amend the Environmental Conservation Law.

15 ACTING PRESIDENT CARLUCCI: Read  
16 the last section.

17 THE SECRETARY: Section 3. This  
18 act shall take effect immediately.

19 ACTING PRESIDENT CARLUCCI: Call  
20 the roll.

21 (The Secretary called the roll.)

22 ACTING PRESIDENT CARLUCCI:  
23 Announce the results.

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT CARLUCCI: The

1 bill is passed.

2 THE SECRETARY: In relation to  
3 Calendar Number 1610, Senator Seward moves to  
4 discharge, from the Committee on Insurance,  
5 Assembly Print Number 6855 and substitute it for  
6 the identical Senate Bill Number 5083, Third  
7 Reading Calendar 1610.

8 ACTING PRESIDENT CARLUCCI:  
9 Substitution ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1610, by Member of the Assembly Silver, Assembly  
13 Print 6855, an act to amend the Insurance Law.

14 ACTING PRESIDENT CARLUCCI: Read  
15 the last section.

16 THE SECRETARY: Section 4. This  
17 act shall take effect on the 90th day.

18 ACTING PRESIDENT CARLUCCI: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT CARLUCCI:  
22 Announce the results.

23 THE SECRETARY: Ayes, 63.

24 ACTING PRESIDENT CARLUCCI: The  
25 bill is passed.

1                   THE SECRETARY:   In relation to  
2   Calendar Number 1611, Senator LaValle moves to  
3   discharge, from the Committee on Finance,  
4   Assembly Bill Number 7225 and substitute it for  
5   the identical Senate Bill Number 5086, Third  
6   Reading Calendar 1611.

7                   ACTING PRESIDENT CARLUCCI:  
8   Substitution ordered.

9                   The Secretary will read.

10                  THE SECRETARY:   Calendar Number  
11   1611, by Member of the Assembly DenDekker,  
12   Assembly Print Number 7225, an act to amend the  
13   Education Law.

14                  ACTING PRESIDENT CARLUCCI:   Read  
15   the last section.

16                  THE SECRETARY:   Section 2.   This  
17   act shall take effect January 1, 2017.

18                  ACTING PRESIDENT CARLUCCI:   Call  
19   the roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT CARLUCCI:  
22   Announce the results.

23                  THE SECRETARY:   Ayes, 61.   Nays,  
24   2.   Senators Ball and Marchione recorded in the  
25   negative.

1                   ACTING PRESIDENT CARLUCCI:    The  
2 bill is passed.

3                   THE SECRETARY:    In relation to  
4 Calendar Number 1612, Senator Stewart-Cousins  
5 moves to discharge, from the Committee on Rules,  
6 Assembly Bill Number 7362D and substitute it for  
7 the identical Senate Bill Number 5101C, Third  
8 Reading Calendar 1612.

9                   ACTING PRESIDENT CARLUCCI:  
10 Substitution ordered.

11                   The Secretary will read.

12                   THE SECRETARY:    Calendar Number  
13 1612, by Member of the Assembly Pretlow, Assembly  
14 Print Number 7362D, an act authorizing.

15                   ACTING PRESIDENT CARLUCCI:   There  
16 is a home-rule message at the desk.

17                   Read the last section.

18                   THE SECRETARY:    Section 2.   This  
19 act shall take effect immediately.

20                   ACTING PRESIDENT CARLUCCI:   Call  
21 the roll.

22                   (The Secretary called the roll.)

23                   ACTING PRESIDENT CARLUCCI:  
24 Announce the results.

25                   THE SECRETARY:    Ayes, 63.



1                   ACTING PRESIDENT CARLUCCI:    The  
2 bill is passed.

3                   THE SECRETARY:    In relation to  
4 Calendar Number 1613, Senator Savino moves to  
5 discharge, from the Committee on Rules, Assembly  
6 Bill Number 7342A and substitute it for the  
7 identical Senate Bill Number 5117A, Third Reading  
8 Calendar 1613.

9                   ACTING PRESIDENT CARLUCCI:  
10 Substitution ordered.

11                   The Secretary will read.

12                   THE SECRETARY:    Calendar Number  
13 1613, by Member of the Assembly Gottfried,  
14 Assembly Print 7342A, an act to amend the Social  
15 Services Law.

16                   ACTING PRESIDENT CARLUCCI:   Read  
17 the last section.

18                   THE SECRETARY:    Section 2.   This  
19 act shall take effect immediately.

20                   ACTING PRESIDENT CARLUCCI:   Call  
21 the roll.

22                   (The Secretary called the roll.)

23                   ACTING PRESIDENT CARLUCCI:  
24 Announce the results.

25                   THE SECRETARY:    Ayes, 62.   Nays,

1 1. Senator Ball recorded in the negative.

2 ACTING PRESIDENT CARLUCCI: The  
3 bill is passed.

4 THE SECRETARY: Calendar Number  
5 1614, by Senator Savino, Senate Print 5118, an  
6 act in relation to tax exemptions.

7 ACTING PRESIDENT CARLUCCI: Read  
8 the last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect immediately.

11 ACTING PRESIDENT CARLUCCI: Call  
12 the roll.

13 (The Secretary called the roll.)

14 ACTING PRESIDENT CARLUCCI:  
15 Announce the results.

16 THE SECRETARY: Ayes, 62. Nays,  
17 1. Senator Krueger recorded in the negative.

18 ACTING PRESIDENT CARLUCCI: The  
19 bill is passed.

20 THE SECRETARY: Calendar Number  
21 1615, by Senator Maziarz, Senate Print 5150A, an  
22 act to amend the Public Service Law.

23 ACTING PRESIDENT CARLUCCI: Read  
24 the last section.

25 THE SECRETARY: Section 6. This

1 act shall take effect immediately.

2 ACTING PRESIDENT CARLUCCI: Call  
3 the roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT CARLUCCI:  
6 Announce the results.

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT CARLUCCI: The  
9 bill is passed.

10 THE SECRETARY: In relation to  
11 Calendar Number 1616, Senator Golden moves to  
12 discharge, from the Committee on Rules, Assembly  
13 Bill Number 2355 and substitute it for the  
14 identical Senate Bill Number 5238, Third Reading  
15 Calendar 1616.

16 ACTING PRESIDENT CARLUCCI:  
17 Substitution ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 1616, by Member of the Assembly Scarborough,  
21 Assembly Print 2355, an act to amend the Tax Law.

22 ACTING PRESIDENT CARLUCCI: Read  
23 the last section.

24 THE SECRETARY: Section 5. This  
25 act shall take effect immediately.

1                   ACTING PRESIDENT CARLUCCI:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT CARLUCCI:    Senator  
5   Krueger to explain her vote.

6                   SENATOR KRUEGER:    Thank you,  
7   Mr. President.

8                   This is a bill that would provide a  
9   tax credit for angel investors.  It would cost  
10  the City of New York, they estimate,  
11  \$15 million.  I don't believe in giving away  
12  other people's tax money without their support,  
13  and the City of New York is opposed.

14                  And then, frankly, if you're going  
15  to be an investor, you take a risk, you hopefully  
16  get a regard.  You actually shouldn't get a tax  
17  credit on top of that too.

18                  So I think it's bad policy, and I  
19  don't want to give away other people's tax  
20  dollars without their approval.  I think we  
21  should vote no, thank you.  And I will.

22                  ACTING PRESIDENT CARLUCCI:  
23  Announce the results.

24                  THE SECRETARY:    Those recorded in  
25  the negative on Calendar Number 1616:  Senators

1 Avella, Krueger, LaValle and Marcellino.

2 Ayes, 59. Nays, 4.

3 ACTING PRESIDENT CARLUCCI: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 1617, by Senator Klein, Senate Print 5668, an act  
7 to amend the Alcoholic Beverage Control Law.

8 ACTING PRESIDENT CARLUCCI: Read  
9 the last section.

10 THE SECRETARY: Section 2. This  
11 act shall take effect on the first of January.

12 ACTING PRESIDENT CARLUCCI: Call  
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT CARLUCCI:  
16 Announce the results.

17 THE SECRETARY: In relation to  
18 Calendar 1617, Senator Montgomery in the  
19 negative. Ayes, 62. Nays, 1.

20 ACTING PRESIDENT CARLUCCI: The  
21 bill is passed.

22 THE SECRETARY: Calendar Number  
23 1618, by Senator Grisanti, Senate Print 5697, an  
24 act to amend Part H of Chapter 1 of the Laws of  
25 2003.

1                   ACTING PRESIDENT CARLUCCI:    Read  
2   the last section.

3                   THE SECRETARY:    Section 2.   This  
4   act shall take effect immediately.

5                   ACTING PRESIDENT CARLUCCI:    Call  
6   the roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT CARLUCCI:    Senator  
9   Krueger to explain her vote.

10                  SENATOR KRUEGER:    Thank you,  
11   Mr. President.

12                  This was a bill that would be an  
13   extender, I believe for three years, of a  
14   brownfields tax credit program that has been part  
15   of an expose of a recent Office of the State  
16   Comptroller's report that nearly a billion  
17   dollars of New York State taxpayer dollars have  
18   gone into these credits, frankly with almost none  
19   of them going for true cleanup of property that  
20   wouldn't otherwise be used.

21                  In fact, ironically, much of the  
22   property that has received these brownfield  
23   credits up until now are on the island of  
24   Manhattan.  And I know many of us have visited  
25   there; some of us live there and proudly

1 represent it. We're not really known to be sort  
2 of a brownfields, destitute, underutilization of  
3 land kind of island. So why is a billion dollars  
4 of brownfield credits mostly going to Manhattan?

5 There's something wrong with the  
6 program. It shouldn't be extended, it should be  
7 fixed. I vote no.

8 ACTING PRESIDENT CARLUCCI:  
9 Announce the results.

10 THE SECRETARY: Those recorded in  
11 the negative on Calendar 1618: Senators Avella,  
12 Gianaris, Hoylman, Krueger, Rivera, Squadron and  
13 Tkaczyk. Also Senators Perkins and Serrano.

14 Ayes, 54. Nays, 9.

15 ACTING PRESIDENT CARLUCCI: The  
16 bill is passed.

17 THE SECRETARY: In relation to  
18 Calendar Number 1619, Senator Bonacic moves to  
19 discharge, from the Committee on Rules, Assembly  
20 Bill Number 7828A and substitute it for the  
21 identical Senate Bill Number 5715A, Third Reading  
22 Calendar 1619.

23 ACTING PRESIDENT CARLUCCI:  
24 Substitution ordered.

25 The Secretary will read.

1                   THE SECRETARY:   Calendar Number  
2   1619, by Member of the Assembly Weinstein,  
3   Assembly Print Number 7828A, an act to amend the  
4   General Obligations Law.

5                   ACTING PRESIDENT CARLUCCI:   Read  
6   the last section.

7                   THE SECRETARY:   Section 2.   This  
8   act shall take effect immediately.

9                   ACTING PRESIDENT CARLUCCI:   Call  
10   the roll.

11                   (The Secretary called the roll.)

12                   ACTING PRESIDENT CARLUCCI:   Senator  
13   Hannon to explain his vote.

14                   SENATOR HANNON:   Thank you,  
15   Mr. President.

16                   I'm going to be voting no on this  
17   bill.  It has merits, pros and cons, but the  
18   thing that tilts in my balance is the fact that  
19   it's retroactive and applies to all settlements  
20   entered into on or after November 12, 2009.

21                   I just don't think that's an  
22   appropriate way to pass measures, and I will  
23   accordingly vote against it.

24                   ACTING PRESIDENT CARLUCCI:   Senator  
25   Hassell-Thompson to explain her vote.



1                   SENATOR HASSELL-THOMPSON:    Thank  
2   you, Mr. President.

3                   I stand in opposition to this  
4   proposed legislation.  As you just heard from  
5   Senator Hannon, in 2009 the Legislature enacted  
6   the General Obligations Law to protect plaintiffs  
7   and defendants from unwarranted liens,  
8   reimbursement and subjugation claims by  
9   insurers.

10                  Since then, since the 2009  
11   enactment, it has been relied upon by all parties  
12   to settlements involving personal injury or  
13   wrongful death claims.

14                  Today's bill was introduced in  
15   response to a March 2013 federal Eastern District  
16   Court decision, Wurtz v. Rawlings.  The district  
17   court found that certain aspects of the 2009  
18   state law were preempted by the Employee  
19   Retirement Income Security Act, otherwise known  
20   as ERISA.  That court's decision is now under  
21   appeal.

22                  I oppose this bill on the basis that  
23   it is inappropriately presumptive for this  
24   Legislature to attempt to rewrite our law while  
25   the district court decision is still under

1 appeal. On appeal, the appellate court will have  
2 the opportunity to determine whether or not our  
3 current law is actually preempted by ERISA.  
4 Until the appellate court decision is rendered,  
5 it is premature for this Legislature to initiate  
6 a modification of the General Obligations Law. I  
7 will be voting no.

8 ACTING PRESIDENT CARLUCCI: Senator  
9 Hassell-Thompson to be recorded in the negative.

10 Senator DeFrancisco to explain his  
11 vote.

12 SENATOR DeFRANCISCO: I just want  
13 to explain a little bit more on why I'm voting  
14 yes.

15 This body passed legislation that  
16 did protect claimants from unwarranted liens  
17 claimed by insurance companies, claims for money  
18 they wanted back out of a settlement on insurance  
19 policies paying for medical coverage that the  
20 insured paid for. They paid for it. They get  
21 the benefit for what they paid for.

22 Well, we didn't want that to  
23 happen. We wanted insurance company to pay for  
24 medical coverage that they paid for, not out of  
25 the settlement that they got from some party who

1 was negligent in hurting them. So we passed a  
2 law.

3 The law was held to be  
4 unenforceable by some court. The problem is  
5 cases have been settled under this law for the  
6 last four years. So now, after cases are  
7 settled, settlements are paid, the insurance  
8 companies are claiming, claiming to want, out of  
9 that settlement that happened four years ago,  
10 these dollars based upon this case today. That's  
11 why it has to be retroactive.

12 So what we're doing is clarifying  
13 the language to make sure the intent that we had  
14 in this body in 2009 is taken care of and the law  
15 is as we intended it, even if there might have  
16 been some mistake in the language.

17 So I vote aye.

18 ACTING PRESIDENT CARLUCCI: Senator  
19 DeFrancisco to be recorded in the affirmative.

20 Senator Bonacic to explain his vote.

21 SENATOR BONACIC: I'm driving a  
22 car, I hit another car, not my fault. I have  
23 insurance. The insurance company pays me for my  
24 medical expenses. Okay so far? I pay that  
25 insurance company a premium every year to cover

1 my medical expenses.

2 Now, what happens is that the  
3 insurance company says, I don't like paying this  
4 out, I want to go after me, the driver and the  
5 owner, or I want to go after the insurance  
6 company of the other car. Okay? That's the  
7 scenario.

8 Senator Stewart-Cousins passed a  
9 bill in 2009 that said to the insurance company  
10 of me driving the car: You can't go after the  
11 owner, me the driver, or the other insurance  
12 company, because we paid you a premium. This is  
13 your responsibility.

14 The problem with the Stewart-Cousins  
15 bill, it was so broad that a judge said it could  
16 apply to ERISA health plans, and they are large  
17 self-insured health plans. So what we're just  
18 doing is making the language tighter that says  
19 that insurance company, who I paid my premium to,  
20 can't go after me or the other insurance company  
21 of the driver. The way it should be.

22 That's what this bill is. I'm  
23 voting yes.

24 ACTING PRESIDENT CARLUCCI: Senator  
25 Bonacic to be recorded in the affirmative.

1                   Announce the results.

2                   THE SECRETARY:   Those recorded in  
3   the negative on Calendar 1619 are Senators Ball,  
4   Hannon, Hassell-Thompson, Hoylman, Little and  
5   Martins.

6                   Ayes, 57.   Nays, 6.

7                   ACTING PRESIDENT CARLUCCI:   The  
8   bill is passed.

9                   THE SECRETARY:   In relation to  
10   Calendar Number 1620, Senator Klein moves to  
11   discharge, from the Committee on Rules, Assembly  
12   Bill Number 7817 and substitute it for the  
13   identical Senate Bill Number 5752, Third Reading  
14   Calendar 1620.

15                  ACTING PRESIDENT CARLUCCI:  
16   Substitution ordered.

17                  The Secretary will read.

18                  THE SECRETARY:   Calendar Number  
19   1620, by Member of the Assembly Crespo, Assembly  
20   Print Number 7817, an act to amend the Alcoholic  
21   Beverage Control Law.

22                  ACTING PRESIDENT CARLUCCI:   Read  
23   the last section.

24                  THE SECRETARY:   Section 2.   This  
25   act shall take effect immediately.

1                   ACTING PRESIDENT CARLUCCI:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT CARLUCCI:  
5   Announce the results.

6                   THE SECRETARY:    Ayes, 63.

7                   ACTING PRESIDENT CARLUCCI:    The  
8   bill is passed.

9                   THE SECRETARY:    In relation to  
10   Calendar Number 1621, Senator Golden moves to  
11   discharge, from the Committee on Rules, Assembly  
12   Bill Number 7803A and substitute it for the  
13   identical Senate Bill Number 5759A, Third Reading  
14   Calendar 1621.

15                  ACTING PRESIDENT CARLUCCI:  
16   Substitution ordered.

17                  The Secretary will read.

18                  THE SECRETARY:    Calendar Number  
19   1621, by Member of the Assembly Abbate, Assembly  
20   Print Number 7803A, an act to amend the  
21   Administrative Code of the City of New York.

22                  ACTING PRESIDENT CARLUCCI:    Read  
23   the last section.

24                  THE SECRETARY:    Section 2.   This  
25   act shall take effect immediately.

1                   ACTING PRESIDENT CARLUCCI:    Call  
2   the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT CARLUCCI:  
5   Announce the results.

6                   THE SECRETARY:    Ayes, 63.

7                   ACTING PRESIDENT CARLUCCI:    The  
8   bill is passed.

9                   THE SECRETARY:    Calendar Number  
10   1622, by Senator Zeldin, Senate Print 5818, an  
11   act in relation to the formulation and  
12   implementation of a statewide plan.

13                  ACTING PRESIDENT CARLUCCI:    Read  
14   the last section.

15                  THE SECRETARY:    Section 5.   This  
16   act shall take effect immediately.

17                  ACTING PRESIDENT CARLUCCI:    Call  
18   the roll.

19                  (The Secretary called the roll.)

20                  ACTING PRESIDENT CARLUCCI:    Senator  
21   Libous.

22                  SENATOR LIBOUS:    Are we on the  
23   Senator Zeldin bill, Calendar 1622?

24                  ACTING PRESIDENT CARLUCCI:    Yes.

25                  SENATOR LIBOUS:    Lay it aside for

1 the day.

2 ACTING PRESIDENT CARLUCCI:

3 Calendar Number 1622 is laid aside for the day.

4 The Secretary will continue to read.

5 THE SECRETARY: In relation to  
6 Calendar Number 1623, Senator Skelos moves to  
7 discharge, from the Committee on Rules, Assembly  
8 Bill Number 7992 and substitute it for the  
9 identical Senate Bill Number 5823, Third Reading  
10 Calendar 1623.

11 ACTING PRESIDENT CARLUCCI:

12 Substitution ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 1623, by Member of the Assembly Quart, Assembly  
16 Print 7992, an act to amend the Alcoholic  
17 Beverage Control Law.

18 ACTING PRESIDENT CARLUCCI: Read  
19 the last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT CARLUCCI: Call  
23 the roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT CARLUCCI: Senator



1 Krueger to explain her vote.

2 SENATOR KRUEGER: Thank you,  
3 Mr. President.

4 Well, we've seen variations on this  
5 bill. I'm not going to spend a lot of time now  
6 at 2:00 in the morning other than to say imagine  
7 you had a caterer who set up in a building who  
8 lost a court case at the highest court in the  
9 land, who's opposed by the community and the  
10 community board, who's within 200 feet of a  
11 church who strongly objects to the continuation  
12 of their having a liquor license.

13 They don't have a liquor license.  
14 They did get a beer and wine license. And that  
15 was a negotiation, and everybody accepted that.  
16 But now they come back again attempting to get a  
17 carve-out from the law despite objections by the  
18 Presbyterian church within 200 feet, despite the  
19 objection of the community board and the  
20 community.

21 And just for the record, as I urge  
22 my colleagues to vote no tonight, the memo to the  
23 bill says: "The Alcoholic Beverage Control Law  
24 prohibits the sale for on-premise consumption of  
25 alcohol at any location within 200 feet of a

1 place of worship. This bill will allow the State  
2 Liquor Authority to issue a license to a person  
3 using the permanent catering facilities of a  
4 church, synagogue or other place of worship."

5 Here's the deal. The catering  
6 company has taken over a church. It is not it  
7 the permanent catering facility of that church.  
8 That is what the court ruled. And because it's  
9 frankly a Christian Science church, they don't  
10 have alcoholic events because it violates their  
11 religious teaching. So the catering hall has  
12 absolutely nothing to do with the church  
13 building. It's not the permanent catering hall  
14 of the church. So the memo is correct.

15 And again, it's not not objected to  
16 by a church, because the actual church next door,  
17 which operates as a church within 200 feet,  
18 strongly objects and has continued to strongly  
19 object.

20 So I'm urging everyone to vote no  
21 because it's the history of this house that you  
22 don't violate the 200-foot rule unless the church  
23 or synagogue or mosque has said we're okay. And  
24 clearly here they have said they're not okay.  
25 The courts have said this isn't okay. They are

1 not good actors in this arrangement. And in fact  
2 the bill does not do what it states it will do.

3 I urge a vote of no. Thank you,  
4 Mr. President.

5 ACTING PRESIDENT CARLUCCI: Senator  
6 Krueger to be recorded in the negative.

7 Senator Squadron to explain his  
8 vote.

9 SENATOR SQUADRON: Because the bill  
10 is sponsored by Senator Rules, who is not here to  
11 speak on behalf of the bill, I vote no.

12 ACTING PRESIDENT CARLUCCI: Senator  
13 Squadron to be recorded in the negative.

14 Announce the results.

15 THE SECRETARY: Those recorded in  
16 the negative on Calendar Number 1623 are Senators  
17 Avella, Bonacic, Fuschillo, Gianaris,  
18 Hassell-Thompson, Hoylman, Krueger, LaValle,  
19 Marcellino, Martins, Montgomery, Nozzolio,  
20 Perkins, Rivera, Serrano, Squadron, Stavisky and  
21 Stewart-Cousins. Also Senator Boyle. Also  
22 Senator Espaillat.

23 Ayes, 43. Nays, 20.

24 ACTING PRESIDENT CARLUCCI: The  
25 bill is passed.

1                   THE SECRETARY:   In relation to  
2   Calendar Number 1624, Senator Stewart-Cousins  
3   moves to discharge, from the Committee on Rules,  
4   Assembly Bill Number 6721B and substitute it for  
5   the identical Senate Bill Number 5829, Third  
6   Reading Calendar 1624.

7                   ACTING PRESIDENT CARLUCCI:  
8   Substitution ordered.

9                   The Secretary will read.

10                  THE SECRETARY:   Calendar Number  
11   1624, by Member of the Assembly Abinanti,  
12   Assembly Print Number 6721B, an act to amend  
13   Chapter 118 of the Laws of 1969.

14                  ACTING PRESIDENT CARLUCCI:   Read  
15   the last section.

16                  THE SECRETARY:   Section 5.   This  
17   act shall take effect July 1, 2013.

18                  ACTING PRESIDENT CARLUCCI:   Call  
19   the roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT CARLUCCI:  
22   Announce the results.

23                  THE SECRETARY:   Ayes, 63.

24                  ACTING PRESIDENT CARLUCCI:   The  
25   bill is passed.

1                   THE SECRETARY:    In relation to  
2   Calendar Number 1625, Senator Farley moves to  
3   discharge, from the Committee on Rules, Assembly  
4   Bill Number 5662A and substitute it for the  
5   identical Senate Bill Number 5853, Third Reading  
6   Calendar 1625.

7                   ACTING PRESIDENT CARLUCCI:  
8   Substitution ordered.

9                   The Secretary will read.

10                  THE SECRETARY:   Calendar Number  
11   1625, by Member of the Assembly Santabarbara,  
12   Assembly Print 5662A, an act to legalize,  
13   validate, ratify and confirm.

14                  ACTING PRESIDENT CARLUCCI:   Read  
15   the last section.

16                  THE SECRETARY:   Section 2.   This  
17   act shall take effect immediately.

18                  ACTING PRESIDENT CARLUCCI:   Call  
19   the roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT CARLUCCI:  
22   Announce the results.

23                  THE SECRETARY:   Ayes, 63.

24                  ACTING PRESIDENT CARLUCCI:   The  
25   bill is passed.

1                   THE SECRETARY:    In relation to  
2   Calendar Number 1626, Senator Marchione moves to  
3   discharge, from the Committee on Rules, Assembly  
4   Bill Number 7592C and substitute it for the  
5   identical Senate Bill Number 5856, Third Reading  
6   Calendar 1626.

7                   ACTING PRESIDENT CARLUCCI:  
8   Substitution ordered.

9                   The Secretary will read.

10                  THE SECRETARY:   Calendar Number  
11   1626, by Member of the Assembly McLaughlin,  
12   Assembly Print 7592C, an act to amend Chapter 486  
13   of the Laws of 1964.

14                  ACTING PRESIDENT CARLUCCI:   Read  
15   the last section.

16                  THE SECRETARY:   Section 2.   This  
17   act shall take effect immediately.

18                  ACTING PRESIDENT CARLUCCI:   Call  
19   the roll.

20                  (The Secretary called the roll.)

21                  ACTING PRESIDENT CARLUCCI:  
22   Announce the results.

23                  THE SECRETARY:   Ayes, 63.

24                  ACTING PRESIDENT CARLUCCI:   The  
25   bill is passed.

1                   THE SECRETARY:   Calendar Number  
2   1627, by Senator Boyle, Senate Print 5857, an act  
3   to authorize.

4                   ACTING PRESIDENT CARLUCCI:   Read  
5   the last section.

6                   THE SECRETARY:   Section 2.   This  
7   act shall take effect immediately.

8                   ACTING PRESIDENT CARLUCCI:   Call  
9   the roll.

10                   (The Secretary called the roll.)

11                   ACTING PRESIDENT CARLUCCI:  
12   Announce the results.

13                   THE SECRETARY:   Ayes, 62.   Nays,  
14   1.   Senator Bonacic recorded in the negative.

15                   ACTING PRESIDENT CARLUCCI:   The  
16   bill is passed.

17                   THE SECRETARY:   In relation to  
18   Calendar Number 1628, Senator Fuschillo moves to  
19   discharge from the Committee on Rules, Assembly  
20   Bill Number 2285A and substitute it for the  
21   identical Senate Bill Number 5859, Third Reading  
22   Calendar 1628.

23                   ACTING PRESIDENT CARLUCCI:  
24   Substitution ordered.

25                   The Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2    1628, by Member of the Assembly Weisenberg,  
3    Assembly Print Number 2285A, an act to amend the  
4    Vehicle and Traffic Law.

5                   ACTING PRESIDENT CARLUCCI:   Read  
6    the last section.

7                   THE SECRETARY:    Section 4.   This  
8    act shall take effect on the first of November.

9                   ACTING PRESIDENT CARLUCCI:   Call  
10   the roll.

11                   (The Secretary called the roll.)

12                   ACTING PRESIDENT CARLUCCI:  
13   Announce the results.

14                   THE SECRETARY:    Ayes, 63.

15                   ACTING PRESIDENT CARLUCCI:   The  
16   bill is passed.

17                   THE SECRETARY:    Calendar Number  
18    1629, by Senator Maziarz, Senate Print 5861, an  
19    act to amend the Public Authorities Law.

20                   ACTING PRESIDENT CARLUCCI:   Read  
21   the last section.

22                   THE SECRETARY:    Section 8.   This  
23    act shall take effect on the same date and in the  
24    same manner as a chapter of the Laws of 2013.

25                   ACTING PRESIDENT CARLUCCI:   Call



1 the roll.

2 (The Secretary called the roll.)

3 ACTING PRESIDENT CARLUCCI:

4 Announce the results.

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT CARLUCCI: The  
7 bill is passed.

8 THE SECRETARY: Calendar Number  
9 1630, by Senator Nozzolio, Senate Print 5864, an  
10 act to amend the State Finance Law.

11 ACTING PRESIDENT CARLUCCI: Read  
12 the last section.

13 THE SECRETARY: Section 2. This  
14 act shall take effect immediately.

15 ACTING PRESIDENT CARLUCCI: Call  
16 the roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 61. Nays,  
19 2. Senators Hassell-Thompson and Kennedy in the  
20 negative.

21 ACTING PRESIDENT CARLUCCI: The  
22 bill is passed.

23 SENATOR FUSCHILLO: Mr. President.

24 ACTING PRESIDENT CARLUCCI: Senator  
25 Nozzolio.

1                   SENATOR FUSCHILLO:     Senator  
2     Fuschillo.

3                   (Laughter.)

4                   ACTING PRESIDENT CARLUCCI:     Oh,  
5     Senator Fuschillo.

6                   (Laughter.)

7                   SENATOR FUSCHILLO:     Let me do this  
8     again.

9                   (Laughter.)

10                  ACTING PRESIDENT CARLUCCI:     Senator  
11     Fuschillo, why do you rise?

12                  (Laughter.)

13                  SENATOR FUSCHILLO:     That's better.

14                  Point of order.   No videos are  
15     allowed, or pictures to be taken in the  
16     gallery -- I'd like the President to make that  
17     very clear -- if you're not a member of the  
18     press.

19                  ACTING PRESIDENT CARLUCCI:     There  
20     are no photographs to be taken from the gallery.  
21     The Sergeant-at-Arms will please address anyone  
22     doing that.

23                  Thank you, Senator Fuschillo.

24                  The Secretary will read.

25                  THE SECRETARY:     In relation to

1 Calendar Number 1631, Senator Kennedy moves to  
2 discharge, from the Committee on Rules, Assembly  
3 Bill Number 2623A and substitute it for the  
4 identical Senate Bill Number 5869, Third Reading  
5 Calendar 1631.

6 ACTING PRESIDENT CARLUCCI:  
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 1631, by Member of the Assembly Gabryszak,  
11 Assembly Print Number 2623A, an act to amend the  
12 Penal Law.

13 ACTING PRESIDENT CARLUCCI: Read  
14 the last section.

15 THE SECRETARY: Section 2. This  
16 act shall take effect immediately.

17 ACTING PRESIDENT CARLUCCI: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT CARLUCCI: Senator  
21 Kennedy to explain his vote.

22 SENATOR KENNEDY: Thank you very  
23 much, Mr. President.

24 This is a vote on Jay J's Law. It  
25 has been several years that it's taken to get to

1 us this point. And there's so many individuals  
2 I'd like to recognize for getting us here  
3 tonight.

4 First of all, I want to thank the  
5 leadership, Leaders Klein and Skelos, for  
6 bringing this to the floor for a vote. I want to  
7 thank my colleagues on both sides of the aisle  
8 for helping to drive this initiative forward.

9 From the Western New York  
10 delegation, I want to recognize my colleagues  
11 Senator Maziarz, Senator Gallivan, Senator  
12 Ranzenhofer, Senator Grisanti, Senator Young for  
13 working to make this happen. This was truly a  
14 team effort, and it took everybody working  
15 together to make this happen.

16 I especially also want to recognize  
17 the leader of the Democratic Conference, Leader  
18 Andrea Stewart-Cousins, who personally involved  
19 herself toward the end of this process when this  
20 bill unfortunately began to hit roadblocks over  
21 in the Assembly.

22 But we got it through, and we got it  
23 done. And this is a historic vote, a  
24 long-awaited, hard-fought victory and an  
25 important step towards finally securing justice

1 for Jay J Bolvin.

2 As an infant, Jay J suffered extreme  
3 physical abuse at the hands of his own father.  
4 The brutal beatings left Jay J with 11 fractured  
5 bones, a severe seizure disorder, and  
6 developmental delays he's fighting through every  
7 single day.

8 But Jay J's father, a man with a  
9 history of violence against his own children, was  
10 let off with a relatively light sentence. In  
11 2007, Jay J's father was convicted of  
12 third-degree assault after beating another one of  
13 his sons and breaking his arm.

14 Four years later came his violent  
15 attacks against little Jay J. However, the  
16 current look-back period for the criminal justice  
17 system to consider previous convictions while  
18 seeking to impose aggravated assault charges was  
19 only three years. Jay J's father missed an  
20 aggravated assault charge by just one year. It  
21 handcuffed the courts and prevented a more severe  
22 penalty.

23 Enacting Jay J's Law tonight will  
24 change that. It enacts an important improvement  
25 to the state's aggravated assault codes, and it

1 will help protect children from violent repeat  
2 abuse.

3 Jay J's Law will pry open the  
4 look-back window from three to 10 years and  
5 empower law enforcement to impose aggravated  
6 assault charges on abusers that have a history of  
7 severely and repeatedly hurting defenseless  
8 children.

9 Nobody fought harder for this bill  
10 than Jay J's family: His grandparents, Tabitha  
11 and Joseph Retzer, his uncle Kevin and aunt Chris  
12 Retzer made multiple trips from Western New York  
13 to the State Capitol to lobby lawmakers and  
14 secure support for Jay J's Law, and they brought  
15 with them little Jay J. They're watching this  
16 tonight, after 2 o'clock in the morning. They've  
17 been waiting over 12 hours to see this historic  
18 passage of this law.

19 The most courageous advocate in all  
20 of this, of course, was Jay J himself. The  
21 family's commitment to getting Jay J's law passed  
22 is only surpassed by their commitment to helping  
23 Jay J recover from the injurious he suffered as a  
24 result of the abuse he endured. Let's be clear,  
25 it is Jay J's story of recovery and the tireless

1 fight of the Retzer family that have been the  
2 driving forces behind this movement to strengthen  
3 state law against child abuse.

4           However, this fight is not over. We  
5 must do all we can to prevent child abuse and  
6 ensure those who hurt children are kept behind  
7 bars for a long, long time. New York State needs  
8 to continue toughen laws against child abuse. It  
9 starts with Jay J's Law, and it must go on until  
10 we have once and for all secured justice for all  
11 survivors of child abuse across our state.

12           We must always remain diligent in  
13 our efforts to protect New York's children and  
14 relentless in our pursuit of even stronger  
15 penalties for those who hurt kids.

16           Mr. President, I vote aye. Again, I  
17 thank all of my colleagues on both sides of the  
18 aisle for making this night the historic night  
19 that it is and enacting Jay J's Law to protect  
20 the children of New York State.

21           Thank you, Mr. President.

22           ACTING PRESIDENT CARLUCCI: Senator  
23 Kennedy to be recorded in the affirmative.

24           Announce the results.

25           THE SECRETARY: Ayes, 63.

1                   ACTING PRESIDENT CARLUCCI:    The  
2 bill is passed.

3                   Calendar Number 1632 is high and  
4 will be laid aside for the day.

5                   Senator Libous, that completes the  
6 reading of the noncontroversial calendar.

7                   Senator LaValle.

8                   SENATOR LaVALLE:    Mr. President, we  
9 should stand at ease, please.

10                  ACTING PRESIDENT CARLUCCI:   The  
11 Senate will stand at ease.

12                  (Whereupon, the Senate stood at ease  
13 at 2:11 a.m.)

14                  SENATOR LIBOUS:    Madam President,  
15 would you call on Senator Gianaris, please.

16                  ACTING PRESIDENT SAVINO:    Senator  
17 Gianaris.

18                  SENATOR GIANARIS:   Thank you, Madam  
19 President.

20                  There will be an immediate meeting  
21 of the Democratic Conference in the Democratic  
22 Conference Room.

23                  ACTING PRESIDENT SAVINO:    There  
24 will be an immediate meeting of the Democratic  
25 Conference in the Democratic Conference Room.



1                   Senator Libous.

2                   SENATOR LIBOUS:    Madam President,  
3   there will be a Rules Committee meeting at  
4   4:00 o'clock in Room 332.

5                   ACTING PRESIDENT SAVINO:   There  
6   will be a Rules Committee meeting at 4:00 a.m. in  
7   Room 332.

8                   The Senate will continue to stand at  
9   ease.

10                  (Whereupon, the Senate reconvened at  
11   4:17 a.m.)

12                  ACTING PRESIDENT VALESKY:   Senator  
13   Libous.

14                  SENATOR LIBOUS:    Mr. President, I  
15   believe, if we could go to reports of standing  
16   committees, there's a report of the Rules  
17   Committee at the desk.

18                  ACTING PRESIDENT VALESKY:   Reports  
19   of standing committees.

20                  The Secretary will read the Rules  
21   Committee report.

22                  THE SECRETARY:    Senator Skelos,  
23   from the Committee on Rules, reports the  
24   following bills:

25                  Assembly Print 508, by Member of the

1 Assembly Hooper, an act to authorize the  
2 Commissioner of General Services;

3 Assembly Print 8097, by Member of  
4 the Assembly Hooper, an act to amend the General  
5 Municipal Law;

6 Senate Print 786A, by Senator Diaz,  
7 an act to amend the General Business Law;

8 3564A, by Senator Bonacic, an act to  
9 amend the Labor Law;

10 3810B, by Senator Marcellino, an act  
11 to amend the Education Law;

12 4095, by Senator Robach, an act to  
13 amend the State Finance Law;

14 4371A, by Senator Gallivan, an act  
15 to amend the Executive Law;

16 4459A, by Senator Klein, an act to  
17 amend the Vehicle and Traffic Law;

18 4461A, by Senator Klein, an act to  
19 amend the General Municipal Law;

20 4530A, by Senator Klein, an act to  
21 amend the Civil Practice Law and Rules;

22 4531, by Senator Little, an act to  
23 amend the Tax Law;

24 4532, by Senator Flanagan, an act to  
25 amend the Tax Law;

1                   4814, by Senator Golden, an act to  
2 amend the Public Authorities Law;

3                   4866, by Senator Griffo, an act to  
4 amend the County Law;

5                   4882, by Senator Farley, an act to  
6 amend the Tax Law;

7                   4983A, by Senator Griffo, an act to  
8 amend the Tax Law;

9                   5104, by Senator Ritchie, an act to  
10 amend the Tax Law;

11                   5116, by Senator Espaillat, an act  
12 to amend the Elder Law;

13                   5137, by Senator Flanagan, an act to  
14 amend the General Municipal Law;

15                   5215A, by Senator Fuschillo, an act  
16 to amend the Public Health Law;

17                   5465A, by Senator Young, an act to  
18 amend the Real Property Actions and Proceedings  
19 Law;

20                   5663, by the Senate Committee on  
21 Rules, an act to amend the Administrative Code of  
22 the City of New York;

23                   5719, by Senator Skelos, an act to  
24 amend the Real Property Actions and Proceedings  
25 Law;

1                   5737, by Senator Golden, an act to  
2 amend the Real Property Tax Law;

3                   5773A, by Senator Savino, an act to  
4 amend the Labor Law;

5                   5797, by Senator Golden, an act to  
6 amend the Tax Law;

7                   5809, by Senator Nozzolio, an act to  
8 amend the County Law;

9                   5820, by Senator Lanza, an act  
10 relating to the resident toll rates;

11                   5824, by the Senate Committee on  
12 Rules, an act to amend the Hudson River Park Act;

13                   And Senate Print 5839A, by  
14 Senator Lanza, an act to amend the Criminal  
15 Procedure Law.

16                   All bills reported direct to third  
17 reading.

18                   ACTING PRESIDENT VALESKY:    Senator  
19 Libous.

20                   SENATOR LIBOUS:    I move to accept  
21 the report of the Rules Committee.

22                   ACTING PRESIDENT VALESKY:    All in  
23 favor of accepting the report of the Rules  
24 Committee signify by saying aye.

25                   (Response of "Aye.")

1           ACTING PRESIDENT VALESKY:    Opposed,  
2    nay.

3           (No response.)

4           ACTING PRESIDENT VALESKY:    The  
5    Rules Committee report is accepted.

6           Senator Libous.

7           SENATOR LIBOUS:    Mr. President and  
8    members, you should have 57D on your desks.  
9    Those of you who are still awake, we'll do 57D.  
10           If you don't have it, then we're not  
11   going to start until we have it.

12           (Pause.)

13           SENATOR LIBOUS:    Okay, does  
14   everybody have the calendar? We'll have the  
15   noncontroversial reading.

16           ACTING PRESIDENT VALESKY:    We're  
17   on the noncontroversial reading of Senate  
18   Supplemental Calendar 57D.

19           The Secretary will read.

20           THE SECRETARY:    Calendar Number  
21   1634, by Member of the Assembly Hooper, Assembly  
22   Print Number 508, an act to authorize.

23           ACTING PRESIDENT VALESKY:    Read the  
24   last section.

25           THE SECRETARY:    Section 2. This

1 act shall take effect immediately.

2 ACTING PRESIDENT VALESKY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 ACTING PRESIDENT VALESKY: Announce  
6 the results.

7 THE SECRETARY: Those recorded in  
8 the negative on Calendar Number 1634 are Senators  
9 Boyle, Fuschillo, Hannon, LaValle, Marcellino,  
10 Martins, Nozzolio, Skelos, Young and Zeldin.

11 Ayes, 53. Nays, 10.

12 ACTING PRESIDENT VALESKY: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 1635, by Member of the Assembly Hooper, Assembly  
16 Print Number 8097, an act to amend the General  
17 Municipal Law.

18 ACTING PRESIDENT VALESKY: Read the  
19 last section.

20 THE SECRETARY: Section 3. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT VALESKY: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT VALESKY: Announce

1 the results.

2 THE SECRETARY: Those recorded in  
3 the negative on Calendar Number 1635 are Senators  
4 Fuschillo, Hannon, Marcellino, Martins, Skelos  
5 and Zeldin.

6 Ayes, 57. Nays, 6.

7 ACTING PRESIDENT VALESKY: The bill  
8 is passed.

9 THE SECRETARY: In relation to  
10 Calendar Number 1636, Senator Diaz moves to  
11 discharge, from the Committee on Rules, Assembly  
12 Bill Number 158A and substitute it for the  
13 identical Senate Bill Number 786A, Third Reading  
14 Calendar 1636.

15 ACTING PRESIDENT VALESKY:  
16 Substitution ordered.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number  
19 1636, by Member of the Assembly Crespo, Assembly  
20 Print Number 158A, an act to amend the General  
21 Business Law.

22 ACTING PRESIDENT VALESKY: Read the  
23 last section.

24 THE SECRETARY: Section 5. This  
25 act shall take effect on the 180th day.

1                   ACTING PRESIDENT VALESKY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 61.  Nays,  
5   2.  Senators Ball and Gipson in the negative.

6                   ACTING PRESIDENT VALESKY:    The bill  
7   is passed.

8                   THE SECRETARY:    In relation to  
9   Calendar Number 1637, Senator Bonacic moves to  
10   discharge, from the Committee on Rules, Assembly  
11   Bill Number 4810A and substitute it for the  
12   identical Senate Bill Number 3564A, Third Reading  
13   Calendar 1637.

14                  ACTING PRESIDENT VALESKY:  
15   Substitution ordered.

16                  The Secretary will read.

17                  THE SECRETARY:    Calendar Number  
18   1637, by Member of the Assembly Abbate, Assembly  
19   Print 4810A, an act to amend the Labor Law.

20                  ACTING PRESIDENT VALESKY:    Read the  
21   last section.

22                  THE SECRETARY:    Section 2.  This  
23   act shall take effect immediately.

24                  ACTING PRESIDENT VALESKY:    Call the  
25   roll.



1 (The Secretary called the roll.)

2 THE SECRETARY: Those recorded in  
3 the negative on Calendar Number 1637 are Senators  
4 Gallivan, LaValle, Marcellino, Martins,  
5 Ranzenhofer, Seward and Zeldin.

6 Ayes, 56. Nays, 7.

7 ACTING PRESIDENT VALESKY: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 1638, by Senator Marcellino, Senate Print 3810B,  
11 an act to amend the Education Law.

12 ACTING PRESIDENT VALESKY: Read the  
13 last section.

14 THE SECRETARY: Section 28. This  
15 act shall take effect two years after the date on  
16 which it shall have become a law.

17 ACTING PRESIDENT VALESKY: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT VALESKY: Those  
21 recorded in the negative on Calendar Number 1638  
22 are Senators Ball, DeFrancisco, Gallivan,  
23 Nozzolio and Ranzenhofer.

24 Ayes, 58. Nays, 5.

25 ACTING PRESIDENT VALESKY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 1639, by Senator Robach, Senate Print 4095, an  
4 act to amend the State Finance Law.

5 ACTING PRESIDENT VALESKY: Read the  
6 last section.

7 THE SECRETARY: Section 2. This  
8 act shall take effect immediately.

9 ACTING PRESIDENT VALESKY: Call the  
10 roll.

11 (The Secretary called the roll.)

12 ACTING PRESIDENT VALESKY: Announce  
13 the results.

14 THE SECRETARY: Those recorded in  
15 the negative on Calendar Number 1639 are Senators  
16 Marchione and Ranzenhofer.

17 Ayes, 61. Nays, 2.

18 ACTING PRESIDENT VALESKY: The bill  
19 is passed.

20 THE SECRETARY: In relation to  
21 Calendar Number 1640, Senator Gallivan moves to  
22 discharge, from the Committee on Rules, Assembly  
23 Bill Number 7970 and substitute it for the  
24 identical Senate Bill Number 4371A, Third Reading  
25 Calendar 1640.

1                   ACTING PRESIDENT VALESKY:

2       Substitution ordered.

3                   The Secretary will read.

4                   THE SECRETARY:     Calendar Number  
5       1640, by Member of the Assembly O'Donnell,  
6       Assembly Print Number 7970, an act to amend the  
7       Executive Law.

8                   ACTING PRESIDENT VALESKY:     Read the  
9       last section.

10                  THE SECRETARY:     Section 2.   This  
11       act shall take effect immediately.

12                  ACTING PRESIDENT VALESKY:     Call the  
13       roll.

14                  (The Secretary called the roll.)

15                  THE SECRETARY:     Ayes, 63.

16                  ACTING PRESIDENT VALESKY:     The bill  
17       is passed.

18                  THE SECRETARY:     In relation to  
19       Calendar Number 1641, Senator Klein moves to  
20       discharge, from the Committee on Rules, Assembly  
21       Bill Number 4327A and substitute it for the  
22       identical Senate Bill Number 4459A, Third Reading  
23       Calendar 1641.

24                  ACTING PRESIDENT VALESKY:  
25       Substitution ordered.

1                   The Secretary will read.

2                   THE SECRETARY:   Calendar Number  
3   1641, by Member of the Assembly Glick, Assembly  
4   Print Number 4327A, an act to amend the Vehicle  
5   and Traffic Law.

6                   ACTING PRESIDENT VALESKY:   There is  
7   a home-rule message at the desk.

8                   Read the last section.

9                   THE SECRETARY:   Section 15.  This  
10  act shall take effect on the 30th day.

11                  ACTING PRESIDENT VALESKY:   Call the  
12  roll.

13                  (The Secretary called the roll.)

14                  ACTING PRESIDENT VALESKY:   Announce  
15  the results.

16                  THE SECRETARY:   Those recorded in  
17  the negative on Calendar 1641 are Senators Ball,  
18  Bonacic, Griffo, LaValle, Ranzenhofer and  
19  Zeldin.  Also Senator DeFrancisco.

20                  Ayes, 56.  Nays, 7.

21                  ACTING PRESIDENT VALESKY:   The bill  
22  is passed.

23                  THE SECRETARY:   Calendar Number  
24  1642, by Senator Klein, Senate Print 4461A, an  
25  act to amend the General Municipal Law.

1           ACTING PRESIDENT VALESKY:    There is  
2   a home-rule message at the desk.

3           Read the last section.

4           THE SECRETARY:    Section 3.  This  
5   act shall take effect immediately.

6           ACTING PRESIDENT VALESKY:    Call the  
7   roll.

8           (The Secretary called the roll.)

9           THE SECRETARY:    Ayes, 62.  Nays,  
10   1.  Senator Little in the negative.

11          ACTING PRESIDENT VALESKY:    The bill  
12   is passed.

13          THE SECRETARY:    In relation to  
14   Calendar Number 1643, Senator Klein moves to  
15   discharge, from the Committee on Rules, Assembly  
16   Bill Number 5582A and substitute it for the  
17   identical Senate Bill Number 4530A, Third Reading  
18   Calendar 1643.

19          ACTING PRESIDENT VALESKY:  
20   Substitution ordered.

21          The Secretary will read.

22          THE SECRETARY:    Calendar Number  
23   1643, by Member of the Assembly Weinstein,  
24   Assembly Print Number 5582A, an act to amend the  
25   Civil Practice Law and Rules.

1                   ACTING PRESIDENT VALESKY:    Read the  
2   last section.

3                   THE SECRETARY:    Section 3.   This  
4   act shall take effect on the 30th day.

5                   ACTING PRESIDENT VALESKY:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   ACTING PRESIDENT VALESKY:    Senator  
9   Klein to explain his vote.

10                  SENATOR KLEIN:    Thank you,  
11   Mr. President.

12                  Very briefly, this is a piece of  
13   legislation that I worked on with State Attorney  
14   General Eric Schneiderman.  The problem that  
15   exists right now is there's many foreclosures  
16   that are taking place.  And unfortunately,  
17   many of the attorneys who are bringing these  
18   foreclosure actions in many cases can't prove  
19   that they have any type of claim to the  
20   property.

21                  The Office of Court Administration  
22   tried to implement a system where they can  
23   streamline these cases, and unfortunately created  
24   thousands and thousands of cases that are not  
25   moving forward through the foreclosure process

1 and bypassing the settlement conference that we  
2 did several years ago in this house.

3 So I think this will allow, I think,  
4 the attorneys to do something that's fair and  
5 very simple, prove that their case has merit and  
6 they have the right to bring a foreclosure action  
7 by proving that they have title to the property  
8 in the foreclosure.

9 So I urge all my colleagues to vote  
10 yes on this legislation.

11 ACTING PRESIDENT VALESKY: Senator  
12 Klein in the affirmative.

13 Announce the results.

14 THE SECRETARY: Those recorded in  
15 the negative on Calendar Number 1643 are Senators  
16 DeFrancisco, Farley, Hannon, Little, Nozzolio,  
17 Ranzenhofer, Young, Bonacic, Griffo, O'Brien,  
18 Seward, and also Senator Marchione.

19 Ayes, 51. Nays, 12.

20 ACTING PRESIDENT VALESKY: The bill  
21 is passed.

22 THE SECRETARY: In relation to  
23 Calendar Number 1644, Senator Little moves to  
24 discharge, from the Committee on Rules, Assembly  
25 Bill Number 6548 and substitute it for the

1 identical Senate Bill Number 4531, Third Reading  
2 Calendar 1644.

3 ACTING PRESIDENT VALESKY:  
4 Substitution ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 1644, by Member of the Assembly Stec, Assembly  
8 Print Number 6548, an act to amend the Tax Law.

9 ACTING PRESIDENT VALESKY: Read the  
10 last section.

11 THE SECRETARY: Section 4. This  
12 act shall take effect December 1, 2013.

13 ACTING PRESIDENT VALESKY: Call the  
14 roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT VALESKY: Announce  
17 the results.

18 THE SECRETARY: Those recorded in  
19 the negative on Calendar Number 1644 are Senators  
20 Ball, Carlucci, Dilan, Gipson, Kennedy, O'Brien,  
21 Rivera and Tkaczyk.

22 Ayes, 55. Nays, 8.

23 ACTING PRESIDENT VALESKY: The bill  
24 is passed.

25 THE SECRETARY: In relation to



1 Calendar Number 1645, Senator Flanagan moves to  
2 discharge, from the Committee on Rules, Assembly  
3 Bill Number 4855 and substitute it for the  
4 identical Senate Bill Number 4532, Third Reading  
5 Calendar 1645.

6 ACTING PRESIDENT VALESKY:  
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 1645, by Member of the Assembly Lavine, Assembly  
11 Print Number 4855, an act to amend the Tax Law.

12 ACTING PRESIDENT VALESKY: Read the  
13 last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect immediately.

16 ACTING PRESIDENT VALESKY: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62. Nays, 1.  
20 Senator Ball recorded in the negative.

21 ACTING PRESIDENT VALESKY: The bill  
22 is passed.

23 THE SECRETARY: Calendar Number  
24 1646, by Senator Golden, Senate Print 4814, an  
25 act to amend the Public Authorities Law.

1                   ACTING PRESIDENT VALESKY:    Read the  
2   last section.

3                   THE SECRETARY:    Section 2.   This  
4   act shall take effect immediately.

5                   ACTING PRESIDENT VALESKY:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.   Nays, 1.  
9   Senator Ball recorded in the negative.

10                  ACTING PRESIDENT VALESKY:    The bill  
11   is passed.

12                  THE SECRETARY:    Calendar Number  
13   1647, by Senator Griffo, Senate Print 4866, an  
14   act to amend the County Law.

15                  ACTING PRESIDENT VALESKY:    Read the  
16   last section.

17                  THE SECRETARY:    Section 3.   This  
18   act shall take effect immediately.

19                  ACTING PRESIDENT VALESKY:    Call the  
20   roll.

21                  (The Secretary called the roll.)

22                  ACTING PRESIDENT VALESKY:    Announce  
23   the results.

24                  THE SECRETARY:    Those recorded in  
25   the negative on Calendar Number 1647 are Senators

1 Ball, Carlucci, Dilan, Gipson, O'Brien and  
2 Tkaczyk.

3 Ayes, 57. Nays, 6.

4 ACTING PRESIDENT VALESKY: The bill  
5 is passed.

6 THE SECRETARY: In relation to  
7 Calendar Number 1648, Senator Farley moves to  
8 discharge, from the Committee on Rules, Assembly  
9 Bill Number 7020 and substitute it for the  
10 identical Senate Bill Number 4882, Third Reading  
11 Calendar 1648.

12 ACTING PRESIDENT VALESKY:  
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 1648, by Member of the Assembly Butler, Assembly  
17 Print Number 7020, an act to amend the Tax Law.

18 ACTING PRESIDENT VALESKY: Read the  
19 last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT VALESKY: Call the  
23 roll.

24 (The Secretary called the roll.)

25 ACTING PRESIDENT VALESKY: Announce

1 the results.

2 THE SECRETARY: Those recorded in  
3 the negative on Calendar Number 1648 are  
4 Senators Ball, Carlucci, Dilan, Gipson, Kennedy,  
5 Marchione, O'Brien, Rivera and Tkaczyk.

6 Ayes, 54. Nays, 9.

7 ACTING PRESIDENT VALESKY: The bill  
8 is passed.

9 THE SECRETARY: In relation to  
10 Calendar Number 1649, Senator Griffio moves to  
11 discharge, from the Committee on Rules, Assembly  
12 Bill Number 7599 and substitute it for the  
13 identical Senate Bill Number 4983A, Third Reading  
14 Calendar 1649.

15 ACTING PRESIDENT VALESKY:  
16 Substitution ordered.

17 The Secretary will read.

18 THE SECRETARY: Calendar Number  
19 1649, by Member of the Assembly Blankenbush,  
20 Assembly Print Number 7599, an act to amend the  
21 Tax Law.

22 ACTING PRESIDENT VALESKY: Read the  
23 last section.

24 THE SECRETARY: Section 2. This  
25 act shall take effect December 1, 2013.

1                   ACTING PRESIDENT VALESKY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT VALESKY:    Announce  
5   the results.

6                   THE SECRETARY:    Those recorded in  
7   the negative on Calendar 1649 are Senators Ball,  
8   Carlucci, Dilan, Gipson, Kennedy, Rivera and  
9   Tkaczyk.   Also Senator Marchione.

10                  Ayes, 55.   Nays, 8.

11                  ACTING PRESIDENT VALESKY:    The bill  
12   is passed.

13                  THE SECRETARY:    In relation to  
14   Calendar Number 1650, Senator Ritchie moves to  
15   discharge, from the Committee on Investigations  
16   and Government Operations, Assembly Print Number  
17   4761 and substitute it for the identical Senate  
18   Bill Number 5104, Third Reading Calendar 1650.

19                  ACTING PRESIDENT VALESKY:  
20   Substitution ordered.

21                  The Secretary will read.

22                  THE SECRETARY:    Calendar Number  
23   1650, by Member of the Assembly Russell, Assembly  
24   Print Number 4761, an act to amend the Tax Law.

25                  ACTING PRESIDENT VALESKY:    There is

1 a home-rule message at the desk.

2 Read the last section.

3 THE SECRETARY: Section 2. This  
4 act shall take effect immediately.

5 ACTING PRESIDENT VALESKY: Call the  
6 roll.

7 (The Secretary called the roll.)

8 ACTING PRESIDENT VALESKY: Announce  
9 the results.

10 THE SECRETARY: Those recorded in  
11 the negative on Calendar Number 1650 are Senators  
12 Ball, Carlucci, Dilan, Gipson, Kennedy,  
13 Marchione, O'Brien, Rivera and Tkaczyk.

14 Ayes, 54. Nays, 9.

15 ACTING PRESIDENT VALESKY: The bill  
16 is passed.

17 THE SECRETARY: In relation to  
18 Calendar Number 1651, Senator Espaillat moves to  
19 discharge, from the Committee on Aging, Assembly  
20 Print Number 7231 and substitute it for the  
21 identical Senate Bill Number 5116, Third Reading  
22 Calendar 1651.

23 ACTING PRESIDENT VALESKY:  
24 Substitution ordered.

25 The Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2   1651, by Member of the Assembly Rosa, Assembly  
3   Print Number 7231, an act to amend the Elder Law.

4                   ACTING PRESIDENT VALESKY:   Read the  
5   last section.

6                   THE SECRETARY:    Section 2.   This  
7   act shall take effect immediately.

8                   ACTING PRESIDENT VALESKY:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:    Ayes, 63.

12                   ACTING PRESIDENT VALESKY:   The bill  
13   is passed.

14                   THE SECRETARY:    In relation to  
15   Calendar Number 1652, Senator Flanagan moves to  
16   discharge, from the Committee on Rules, Assembly  
17   Bill Number 6435 and substitute it for the  
18   identical Senate Bill Number 5137, Third Reading  
19   Calendar 1652.

20                   ACTING PRESIDENT VALESKY:  
21   Substitution ordered.

22                   The Secretary will read.

23                   THE SECRETARY:    Calendar Number  
24   1652, by Member of the Assembly Jaffee, Assembly  
25   Print Number 6435, an act to amend the General

1 Municipal Law.

2 ACTING PRESIDENT VALESKY: Read the  
3 last section.

4 THE SECRETARY: Section 2. This  
5 act shall take effect immediately.

6 ACTING PRESIDENT VALESKY: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62. Nays, 1.  
10 Senator Ball recorded in the negative.

11 ACTING PRESIDENT VALESKY: The bill  
12 is passed.

13 THE SECRETARY: In relation to  
14 Calendar Number 1653, Senator Fuschillo moves to  
15 discharge, from the Committee on Codes, Assembly  
16 Bill Number 365B and substitute it for the  
17 identical Senate Bill Number 5215A, Third Reading  
18 Calendar 1653.

19 ACTING PRESIDENT VALESKY:  
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number  
23 1653, by Member of the Assembly Dinowitz,  
24 Assembly Print Number 365B, an act to amend the  
25 Public Health Law.



1                   ACTING PRESIDENT VALESKY:    Read the  
2   last section.

3                   THE SECRETARY:    Section 2.   This  
4   act shall take effect immediately.

5                   ACTING PRESIDENT VALESKY:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.   Nays,  
9   1.   Senator Ball recorded in the negative.

10                  ACTING PRESIDENT VALESKY:    The bill  
11   is passed.

12                  THE SECRETARY:    In relation to  
13   Calendar Number 1654, Senator Young moves to  
14   discharge, from the Committee on Rules, Assembly  
15   Bill Number 7834B and substitute it for the  
16   identical Senate Bill Number 5465A, Third Reading  
17   Calendar 1654.

18                  ACTING PRESIDENT VALESKY:  
19   Substitution ordered.

20                  The Secretary will read.

21                  THE SECRETARY:    Calendar Number  
22   1654, by Member of the Assembly Wright, Assembly  
23   Print Number 7834B, an act to amend the Real  
24   Property Actions and Proceedings Law.

25                  ACTING PRESIDENT VALESKY:    Read the

1 last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect immediately.

4 ACTING PRESIDENT VALESKY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT VALESKY: The bill  
9 is passed.

10 THE SECRETARY: In relation to  
11 Calendar Number 1655, Senator Skelos moves to  
12 discharge, from the Committee on Rules, Assembly  
13 Bill Number 7826 and substitute it for the  
14 identical Senate Bill Number 5663, Third Reading  
15 Calendar 1655.

16 ACTING PRESIDENT VALESKY:  
17 Substitution ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 1655, by Member of the Assembly Aubry, Assembly  
21 Print Number 7826, an act to amend the  
22 Administrative Code of the City of New York.

23 SENATOR GIANARIS: Lay it aside.

24 ACTING PRESIDENT VALESKY: There is  
25 a home-rule message at the desk.

1                   The bill is laid aside.

2                   THE SECRETARY:   Calendar Number  
3   1656, by Senator Skelos, Senate Print Number  
4   5719, an act to amend the Real Property Actions  
5   and Proceedings Law.

6                   ACTING PRESIDENT VALESKY:   Read the  
7   last section.

8                   THE SECRETARY:   Section 2.   This  
9   act shall take effect immediately.

10                  ACTING PRESIDENT VALESKY:   Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:   Ayes, 63.

14                  ACTING PRESIDENT VALESKY:   The bill  
15   is passed.

16                  THE SECRETARY:   In relation to  
17   Calendar Number 1657, Senator Golden moves to  
18   discharge, from the Committee on Rules, Assembly  
19   Bill Number 7827 and substitute it for the  
20   identical Senate Bill Number 5737, Third Reading  
21   Calendar 1657.

22                  ACTING PRESIDENT VALESKY:  
23   Substitution ordered.

24                  The Secretary will read.

25                  THE SECRETARY:   Calendar Number

1 1657, by Member of the Assembly Farrell, Assembly  
2 Print Number 7827, an act to amend the Real  
3 Property Tax Law.

4 ACTING PRESIDENT VALESKY: Read the  
5 last section.

6 THE SECRETARY: Section 2. This  
7 act shall take effect immediately.

8 ACTING PRESIDENT VALESKY: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62. Nays, 1.  
12 Senator Ball recorded in the negative.

13 ACTING PRESIDENT VALESKY: The bill  
14 is passed.

15 THE SECRETARY: In relation to  
16 Calendar Number 1658, Senator Savino moves to  
17 discharge, from the Committee on Rules, Assembly  
18 Bill Number 7911B and substitute it for the  
19 identical Senate Bill Number 5773A, Third Reading  
20 Calendar 1658.

21 ACTING PRESIDENT VALESKY:  
22 Substitution ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1658, by Member of the Assembly Rosa, Assembly

1     Print Number 7911B, an act to amend the Labor  
2     Law.

3                   ACTING PRESIDENT VALESKY:     Read the  
4     last section.

5                   THE SECRETARY:     Section 3.   This  
6     act shall take effect on the 60th day.

7                   ACTING PRESIDENT VALESKY:     Call the  
8     roll.

9                   (The Secretary called the roll.)

10                  THE SECRETARY:     Ayes, 63.

11                  ACTING PRESIDENT VALESKY:     The bill  
12     is passed.

13                  THE SECRETARY:     In relation to  
14     Calendar Number 1659, Senator Golden moves to  
15     discharge, from the Committee on Rules, Assembly  
16     Bill Number 7806A and substitute it for the  
17     identical Senate Bill Number 5797, Third Reading  
18     Calendar 1659.

19                  ACTING PRESIDENT VALESKY:  
20     Substitution ordered.

21                  The Secretary will read.

22                  THE SECRETARY:     Calendar Number  
23     1659, by Member of the Assembly Silver, Assembly  
24     Print Number 7806A, an act to amend the Tax Law.

25                  ACTING PRESIDENT VALESKY:     Read the

1 last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect immediately.

4 ACTING PRESIDENT VALESKY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT VALESKY: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 1660, by Senator Nozzolio, Senate Print 5809, an  
12 act to amend the County Law.

13 ACTING PRESIDENT VALESKY: Read the  
14 last section.

15 THE SECRETARY: Section 3. This  
16 act shall take effect immediately.

17 ACTING PRESIDENT VALESKY: Call the  
18 roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT VALESKY: Announce  
21 the results.

22 THE SECRETARY: Those recorded in  
23 the negative on Calendar Number 1660 are Senators  
24 Ball, Carlucci, Dilan, Gipson, O'Brien and  
25 Tkaczyk.

1                   Ayes, 57.   Nays, 6.

2                   ACTING PRESIDENT VALESKY:    The bill  
3   is passed.

4                   THE SECRETARY:    Calendar Number  
5   1661, by Senator Lanza, Senate Print Number 5820,  
6   an act relating to the resident toll rates.

7                   ACTING PRESIDENT VALESKY:    Read the  
8   last section.

9                   THE SECRETARY:    Section 3.   This  
10   act shall take effect immediately.

11                   ACTING PRESIDENT VALESKY:    Call the  
12   roll.

13                   (The Secretary called the roll.)

14                   THE SECRETARY:    Ayes, 62.   Nays, 1.  
15   Senator Ball recorded in the negative.

16                   ACTING PRESIDENT VALESKY:    The bill  
17   is passed.

18                   THE SECRETARY:    In relation to  
19   Calendar Number 1662, Senator Skelos moves to  
20   discharge, from the Committee on Rules, Assembly  
21   Bill Number 8031 and substitute it for the  
22   identical Senate Bill Number 5824, Third Reading  
23   Calendar 1662.

24                   ACTING PRESIDENT VALESKY:  
25   Substitution ordered.

1                   The Secretary will read.

2                   THE SECRETARY:   Calendar Number  
3   1662, by Member of the Assembly Gottfried,  
4   Assembly Print 8031, an act to amend the Hudson  
5   River Park Act.

6                   SENATOR GIANARIS:   Lay it aside.

7                   ACTING PRESIDENT VALESKY:   The bill  
8   is laid aside.

9                   THE SECRETARY:   In relation to  
10   Calendar Number 1663, Senator Lanza moves to  
11   discharge, from the Committee on Rules, Assembly  
12   Bill Number 8071A and substitute it for the  
13   identical Senate Bill Number 5839A, Third Reading  
14   Calendar 1663.

15                  ACTING PRESIDENT VALESKY:  
16   Substitution ordered.

17                  The Secretary will read.

18                  THE SECRETARY:   Calendar Number  
19   1663, by Member of the Assembly Paulin, Assembly  
20   Print Number 8071A, an act to amend the Criminal  
21   Procedure Law.

22                  ACTING PRESIDENT VALESKY:   Read the  
23   last section.

24                  THE SECRETARY:   Section 2.   This  
25   act shall take effect immediately.



1                   ACTING PRESIDENT VALESKY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 63.

5                   ACTING PRESIDENT VALESKY:    The bill  
6   is passed.

7                   Senator Libous, that concludes the  
8   noncontroversial reading of Senate Supplemental  
9   Calendar 57D.

10                  SENATOR LIBOUS:    Mr. President, may  
11   we have the controversial reading of the  
12   calendar.

13                  ACTING PRESIDENT VALESKY:    The  
14   Secretary will ring the bells and place  
15   Calendar 1655 before the Senate, controversial.

16                  The Secretary will read.

17                  THE SECRETARY:    Calendar Number  
18   1655, by Member of the Assembly Aubry, Assembly  
19   Print Number 7826, an act to amend the  
20   Administrative Code of the City of New York.

21                  SENATOR AVELLA:    Explanation.

22                  ACTING PRESIDENT VALESKY:    Senator  
23   Avella has requested an explanation, Senator  
24   Libous.

25                  SENATOR LIBOUS:    I'm going to take

1 a crack at this. Queens is a long way from  
2 Binghamton, but we're going to try.

3 This is an alienation of parkland  
4 for the USTA.

5 SENATOR AVELLA: Through you,  
6 Mr. President, will the Senator yield for a  
7 couple of questions.

8 SENATOR LIBOUS: I'll give it a  
9 shot.

10 ACTING PRESIDENT VALESKY: Senator  
11 Libous yields.

12 SENATOR AVELLA: My first question  
13 is, who is the official applicant of this park  
14 alienation? Who officially requested it?

15 SENATOR LIBOUS: The Office of the  
16 Mayor of New York City. Mr. President, through  
17 you.

18 SENATOR AVELLA: And will the  
19 Senator continue to yield.

20 SENATOR LIBOUS: Sure I will.

21 ACTING PRESIDENT VALESKY: Senator  
22 Libous yields.

23 SENATOR AVELLA: What does the  
24 actual proposal entail?

25 SENATOR LIBOUS: A 0.68-acre

1 transfer of parkland from New York City to the  
2 USTA.

3 SENATOR AVELLA: Mr. President,  
4 will the Senator continue to yield.

5 SENATOR LIBOUS: Mr. President, I'm  
6 not done. I'm not done.

7 SENATOR AVELLA: Oh, okay. Good.  
8 Good.

9 SENATOR LIBOUS: And a 1.56-acre  
10 substitution of parkland that includes five  
11 tennis courts to be used by the City of New York  
12 Department of Parks.

13 SENATOR AVELLA: Will the Senator  
14 continue to yield.

15 SENATOR LIBOUS: I'll do the best I  
16 can.

17 SENATOR AVELLA: I apologize, but I  
18 don't think that's a sufficient answer. What  
19 does the actual application involve in terms of  
20 the construction? Why do they need the parkland?

21 SENATOR LIBOUS: They're looking to  
22 upgrade facilities for the U.S. Open,  
23 Mr. President.

24 SENATOR AVELLA: Again, I hate to  
25 be persistent, Mr. President, but can the Senator

1 be a little more specific.

2 SENATOR LIBOUS: Can't be anymore  
3 specific than that, sir.

4 Mr. President, you tell the Senator  
5 I'm doing the best I can.

6 SENATOR AVELLA: Does the Senator  
7 know -- I'm sorry, Mr. President. Through you,  
8 will the Senator yield to another question.

9 SENATOR LIBOUS: Sure,  
10 Mr. President.

11 ACTING PRESIDENT VALESKY: He  
12 continues to yield.

13 SENATOR AVELLA: Obviously this  
14 involves an expansion of the existing center. It  
15 will involve more cars coming to the facility.  
16 Does the Senator know how many more cars will be  
17 involved with the new facility?

18 SENATOR LIBOUS: I don't know. But  
19 I do know that I've been by the facility, and  
20 there's a big parking lot there.

21 (Laughter.)

22 SENATOR AVELLA: Again,  
23 Mr. President, through you. Does the Senator  
24 realize, based upon his answer to the question,  
25 that even with the existing facility the USTA

1 parks 4,600 cars on parkland, on grassland, every  
2 single time they have the U.S. Open? Is the  
3 Senator aware of that?

4 SENATOR LIBOUS: I am now,  
5 Mr. President.

6 (Laughter.)

7 SENATOR AVELLA: Again, through  
8 you, Mr. President, is the Senator aware that  
9 even with the new parking garage that will be  
10 built there still will not be enough spots for  
11 the cars that will visit the facility and, even  
12 with the additional parkland, cars will be  
13 parking on parkland every time there's an event  
14 there?

15 SENATOR LIBOUS: Mr. President, I  
16 understand what the Senator is saying, and I know  
17 he's serious with his questions. And I don't  
18 mean to be flippant at five minutes to 5:00 in  
19 the morning, but --

20 (Laughter.)

21 SENATOR LIBOUS: I'm sorry. I'm  
22 sorry.

23 SENATOR AVELLA: Would you like to  
24 stand at ease?

25 (Laughter.)

1                   SENATOR LIBOUS:    Mr. President,  
2    through you.  I would guess that it's going to be  
3    better than it is now with the additional land.

4                   SENATOR AVELLA:   Through you,  
5    Mr. President, will the Senator continue to  
6    yield.

7                   ACTING PRESIDENT VALESKY:   Senator  
8    Libous, would you like to continue to yield?

9                   SENATOR LIBOUS:    Yes.

10                  (Laughter.)

11                  ACTING PRESIDENT VALESKY:   Senator  
12    Libous yields.

13                  SENATOR AVELLA:    Would the Senator  
14    recognize -- we're getting serious now.

15                  SENATOR LIBOUS:    Senator, I'm  
16    sorry, I'm taking this very seriously.

17                  (Laughter.)

18                  SENATOR LIBOUS:    They're making me  
19    laugh.

20                  Mr. President, I'll try to continue  
21    to answer the Senator's questions the best I can.

22                  SENATOR AVELLA:    Thank you.  Again  
23    through you, Mr. President, will the Senator  
24    continue to answer.

25                  SENATOR LIBOUS:    I will,

1 Mr. President.

2 SENATOR AVELLA: Would the Senator  
3 agree that park alienation should only occur in  
4 very rare circumstances and it's a process that  
5 should be used very rarely?

6 SENATOR LIBOUS: I would say,  
7 Mr. President, that's correct. And I know that  
8 in my experience as a city councilman in  
9 Binghamton, which is a much smaller city, park  
10 alienation was very selective and was done in  
11 rare situations.

12 But I would believe, Mr. President,  
13 to the best of my knowledge that this facility is  
14 a rather large facility, there will be some  
15 expansion. And I would think that the City of  
16 New York and the Mayor's Office, who's requesting  
17 this, would have done whatever environmental  
18 studies, whatever planning and engineering that  
19 needed to be done, and I would think that they  
20 would have a pretty good handle on what they need  
21 for expansion.

22 SENATOR AVELLA: Mr. President,  
23 again through you, will the Senator yield for  
24 another question.

25 SENATOR LIBOUS: Sure.

1                   SENATOR AVELLA:    Is the Senator  
2   aware that it is absolutely not necessary for  
3   this expansion and that the USTA even admits that  
4   they can do all they want with the new stadium,  
5   new power plant, a new parking garage on the  
6   footprint that they already have?  Is the Senator  
7   aware of that?

8                   SENATOR LIBOUS:   Mr. President, the  
9   only thing I am aware of at this point is that  
10  this is a home rule.  And I would defer to the  
11  City of New York, who is requesting the  
12  legislation.

13                  SENATOR AVELLA:   Again through you,  
14  Mr. President, is the Senator aware -- and I  
15  guess he's not, but I'll let him answer this  
16  question -- that the only reason they're asking  
17  for this additional land is to wind a path from  
18  one venue to another and that this entire  
19  expansion, this park alienation, is totally  
20  unnecessary?

21                  SENATOR LIBOUS:   I'm told that  
22  they're creating a much larger facility and part  
23  of the reason why the city has requested a home  
24  rule is that they need this land.

25                  SENATOR AVELLA:   Mr. President,



1 through you, one last question. And then I'll  
2 talk on the bill.

3 SENATOR LIBOUS: I'll yield,  
4 Mr. President. I've done such a good job so far.

5 (Laughter.)

6 SENATOR AVELLA: Part of the  
7 application involves the taking down of 400  
8 trees. Does the Senator know how those trees are  
9 going to be replaced?

10 SENATOR LIBOUS: Mr. President,  
11 through you, I'm told that the USTA is currently  
12 working with the city on replacement of those  
13 trees.

14 SENATOR AVELLA: Through you,  
15 Mr. President, will the Senator yield for one  
16 more question.

17 SENATOR LIBOUS: Okay.

18 SENATOR AVELLA: So we don't know  
19 where those trees are going to be relocated as we  
20 approve the park alienation bill tonight.

21 SENATOR LIBOUS: Mr. President,  
22 through you, I don't know where those trees are  
23 going to be located. But we have been informed  
24 that the USTA and the city are working together,  
25 and that's the best answer, Senator, I can give

1 you this evening.

2                   SENATOR AVELLA:    Thank you,  
3 Senator.

4                   SENATOR LIBOUS:    Thank you.

5                   SENATOR AVELLA:    On the bill.

6                   ACTING PRESIDENT VALESKY:    Senator  
7 Avella on the bill.

8                   SENATOR AVELLA:    For those of you  
9 don't know, Flushing Meadows Corona Park really  
10 is the borough park for Queens.  It's the  
11 equivalent of Prospect Park in Brooklyn;  
12 certainly it has the same connotation in Queens  
13 as Central Park has for Manhattan and the entire  
14 city.

15                   And I hate to use the expression of  
16 the comedian Rodney Dangerfield, Flushing Meadows  
17 Corona Park gets no respect.  We have this  
18 application before us tonight, but there are two  
19 other applications that could come through this  
20 body the next time it meets, probably in January.

21                   The Mets want to expand and build a  
22 mall on parkland in Flushing Meadows Corona  
23 Park.  Major League Soccer wants to take 20 acres  
24 and build on Flushing Meadows Corona Park.  If  
25 all three of these applications go ahead, half of

1     that park will be lost.

2                 This park is the backyard of  
3     communities of color, and thousands of people use  
4     it every single day. It is a disgrace, in my  
5     opinion, that the City of New York has asked to  
6     give this parkland away to a major multi-million-  
7     dollar corporation.

8                 Now, the USTA is a great  
9     organization. We all appreciate the U.S. Open  
10    when it happens. But they make \$275 million a  
11    year; they give less than 1 percent back to the  
12    City of New York. And as I was trying to  
13    indicate with the questions I was asking of  
14    Senator Libous, they can do this expansion  
15    without taking one inch more of parkland. The  
16    only difference is there will be a wider path  
17    between one new stadium and one of the other  
18    stadiums.

19                It seems to me totally unnecessary  
20    to take parkland, eliminate 400 trees, for just a  
21    wider path. It really is a shame that we're even  
22    considering this, it really is. I ask my  
23    colleagues to vote this down for the people who  
24    use this park each and every day.

25                And I have to say the lobbyist for

1 the USTA has been here for the last three weeks.  
2 And I have no problem with somebody representing  
3 the USTA and lobbying this body, but who is the  
4 lobbyist for the people who can't afford to go to  
5 Manhattan for the movies or to a play and use  
6 this park each and every day?

7 We're supposed to be their  
8 lobbyist. We are supposed to be here protecting  
9 their interest. And I don't think we're doing  
10 that if we're passing this bill. I urge my  
11 colleagues to vote against it.

12 ACTING PRESIDENT VALESKY: Senator  
13 Stavisky.

14 SENATOR STAVISKY: Thank you,  
15 Mr. President.

16 And Senator Libous, I have some good  
17 news. I am not going to ask you any questions.  
18 Sorry.

19 (Laughter.)

20 SENATOR STAVISKY: I have  
21 misgivings about this bill, I must tell you. I  
22 agree with some of the arguments that have just  
23 been made.

24 But let me tell you another side of  
25 the story. The USTA has not had a great

1 relationship with the community or, quite  
2 frankly, with organized labor. However, when it  
3 comes to this request, they have agreed to sign a  
4 project labor agreement, they're negotiating the  
5 agreement, it's going to be signed. And the  
6 Building Trades Council now supports the  
7 expansion.

8                   And let me answer one of the  
9 questions that was asked, how much land are we  
10 talking about with the expansion: 0.68 acres.  
11 Two-thirds of an acre. Yes, they're going to use  
12 it to create a wider path so that people can walk  
13 from one venue to another. But quite frankly,  
14 two-thirds of an acre is not a lot of property.

15                   With regard to the Mets, there's a  
16 question of whether it involves legislation or  
17 not. And as far as Major League Soccer goes, I  
18 think it's unlikely at this point that there's  
19 going to be an expansion in Queens. They seem to  
20 be looking at other areas as well. Obviously,  
21 it's always possible.

22                   Why is it necessary? It's part of a  
23 \$500 million expansion program. And what's going  
24 to happen with this expansion? Number one, there  
25 are going to be a lot of jobs created. And

1 secondly, there's going to be additional revenue  
2 to the City of New York. To put it in  
3 perspective, more money is generated when the  
4 USTA is in town, that short period of time, than  
5 the Mets generate the entire baseball season,  
6 even when they're winning.

7 (Laughter.)

8 SENATOR STAVISKY: So I have given  
9 this a great deal of thought. And,  
10 Mr. President, I urge my colleagues to support  
11 this as an investment in the future of the  
12 economy in Queens County and in fact the City of  
13 New York.

14 Thank you.

15 ACTING PRESIDENT VALESKY: Thank  
16 you, Senator Stavisky.

17 Seeing no other Senator who wishes  
18 to be heard, the debate is closed. The Secretary  
19 will ring the bell.

20 Read the last section.

21 THE SECRETARY: Section 2. This  
22 act shall take effect immediately.

23 ACTING PRESIDENT VALESKY: Call the  
24 roll.

25 (The Secretary called the roll.)

1                   ACTING PRESIDENT VALESKY:    Announce  
2   the results.

3                   THE SECRETARY:    Those recorded in  
4   the negative on Calendar Number 1655 are Senators  
5   Avella, Breslin, Gianaris, Gipson, Hoylman,  
6   Krueger, Parker, Rivera and Squadron.

7                   Absent from voting:   Senators Diaz,  
8   Larkin, Maziarz, Peralta, Sampson and Sanders.

9                   Ayes, 47.   Nays, 9.

10                  ACTING PRESIDENT VALESKY:    The bill  
11   is passed.

12                  THE SECRETARY:    Also in the  
13   negative are Senators Ball and Serrano.

14                  Ayes, 45.   Nays, 11.

15                  ACTING PRESIDENT VALESKY:    The bill  
16   is passed.

17                  Next, Calendar Number 1662,  
18   controversial.

19                  THE SECRETARY:    Calendar Number  
20   1662, by Member of the Assembly Gottfried,  
21   Assembly Print Number 8031, an act to amend the  
22   Hudson River Park Act.

23                  SENATOR SQUADRON:    Explanation.

24                  ACTING PRESIDENT VALESKY:    Senator  
25   Squadron is requesting an explanation, Senator

1 Libous.

2 SENATOR LIBOUS: Yes, sir. You get  
3 me again.

4 This is, Mr. President, an expansion  
5 in use for the Hudson River Park.

6 SENATOR SQUADRON: Thank you.

7 If Senator Libous would yield for  
8 two brief questions, as the hour is early.

9 SENATOR LIBOUS: Mr. President, I  
10 look forward to it.

11 SENATOR SQUADRON: Thank you.

12 Senator Libous, just can you  
13 describe for the body the reason that this bill  
14 is before the house and why it's so important.

15 SENATOR LIBOUS: Sure. Sure. I'll  
16 do the best I can, Mr. President.

17 It appears that the Hudson River  
18 Park Trust wants to do a use expansion on the  
19 property, and the expansion would involve  
20 restaurants, film studios, media studio,  
21 commercial amusements, schools, educational  
22 facilities.

23 And they're going to expand it as  
24 far as the allowable uses on Pier 57 for  
25 amusement rides to be placed on parklands,



1 et cetera.

2 SENATOR SQUADRON: And if Senator  
3 Libous would yield for one more question.

4 SENATOR LIBOUS: Sure,  
5 Mr. President.

6 SENATOR SQUADRON: Is Senator  
7 Libous familiar with the community process that  
8 led to this bill?

9 SENATOR LIBOUS: Senator Libous is  
10 not.

11 SENATOR SQUADRON: Thank you.  
12 On the bill.

13 ACTING PRESIDENT VALESKY: Senator  
14 Squadron on the bill.

15 SENATOR SQUADRON: And of course  
16 Senator Libous is not the sponsor of this bill,  
17 Senator Rules is. And I appreciate Senator Rules  
18 needs more sleep than the rest of us,  
19 apparently. And I do appreciate the attempt to  
20 answer.

21 I do have to say that the reason for  
22 my questions and the reason that I thought it was  
23 important to take a moment here is, you know,  
24 there is a tradition of local bills, especially  
25 the alienation bills, bills that deal with the

1 public trust doctrine, being driven by the folks  
2 most affected directly. I think we saw that the  
3 previous bill; we see that here.

4 I alone don't represent Hudson River  
5 Park, so this is not in favor of my own  
6 sponsorship of the bill. I share it with Senator  
7 Hoylman and Senator Espaillat in the Senate.

8 And the truth is there has been an  
9 extensive community conversation about this park  
10 for well over a year, going back even before  
11 that, but a formal one for well over a year.  
12 Because Hudson River Park was created by an act  
13 of the Legislature, created really by the local  
14 representatives 15 years ago.

15 And it has been in a crisis, or  
16 certainly with real challenges. It's had real  
17 fiscal and financial challenges because it was  
18 create by this Legislature as a self-sustaining  
19 park. It's had real challenges because of some  
20 of the infrastructure needs that have developed  
21 over time.

22 And so it's been critical to have  
23 this conversation about what we're going to do  
24 with Hudson River Park to make sure that it  
25 continues to serve certainly the whole city, but

1 most especially the neighborhoods that are  
2 represented by Senator Espaillat and Senator  
3 Hoylman and myself along the West Side of  
4 Manhattan, from Battery Park City up the  
5 West Side.

6           And it's been a complicated  
7 conversation. As you expand uses in a park, how  
8 do you maintain the nature of the park and still  
9 find the revenue that you need? As you see  
10 property values and development along the park  
11 increase, how do you capture some of that without  
12 encouraging overdevelopment that will make the  
13 neighborhood collapse onto itself?

14           As you deal with major  
15 infrastructure problems, how do you ensure that  
16 things like playing fields that serve literally  
17 thousands and thousands of kids a year -- and  
18 they're really the only available playing fields  
19 for large neighborhoods -- continue to be  
20 available while you fix the infrastructure?

21           It's a process that has garnered an  
22 enormous amount of community engagement, and I'm  
23 really pleased about that.

24           This bill is not perfect. It's far,  
25 far from it. It doesn't have everything I want.

1 I would have liked to see, frankly, a couple of  
2 more uses available on Pier 40 in my district,  
3 commercial uses. I'm very glad there are no  
4 residential uses anywhere in the park. That's a  
5 major victory, I believe, for parks across the  
6 state and certainly for the users of this park.

7 I would like to frankly have had  
8 longer with the bill draft to go around to the  
9 community that has been so engaged in talking  
10 about the issues that matter to make sure that  
11 the discussions that have been had are accurately  
12 reflected within the bill, and maybe even to have  
13 had time to amend and change the bill and had  
14 multiple drafts instead of this final draft.

15 So I am glad we are voting on this  
16 bill tonight. It does not do everything we have  
17 to do to save Hudson River Park. It does not do  
18 everything we have to do to ensure that the uses  
19 of Hudson River Park are consistent with the kind  
20 of extraordinary world-class park that doesn't  
21 end at the borders of Hudson River Park but  
22 connects to what I've always called a harbor  
23 park, a central park in the center of the city  
24 connected to Governor's Island and Brooklyn  
25 Bridge Park, both of which were created as state

1 entities originally; the East River waterfront,  
2 surrounded by public housing, subsidized housing;  
3 the waterfront in North Brooklyn; the waterfront  
4 along Long Island City in Queens.

5 This is, because of a ferry network  
6 and because of a real vision, becoming a  
7 billion-dollar public work that does have  
8 statewide significance and is something that we  
9 should be considering and thinking about in this  
10 house.

11 So I'm certainly going to be voting  
12 yes today. I'm certainly pleased to see Hudson  
13 River Park be given some of the things it needs  
14 to move forward. We're going to need to continue  
15 the conversation about Pier 40 moving forward.  
16 We're going to need to ensure that New York City  
17 keeps good on its promise to give Pier 76 to the  
18 park.

19 And most importantly, we need to  
20 ensure that as things like rezoning and RFPs are  
21 pursued because of this legislation, that they  
22 are done in a way that empowers the community.  
23 Great parks aren't just great because they're run  
24 well or because they have some vision or good  
25 design. Great parks are good because they engage

1 the community actively. They bring the community  
2 in, not just for use but for governance and  
3 vision.

4 And that's what I hope this bill  
5 leads to more of. I'll be voting yes,  
6 Mr. President.

7 ACTING PRESIDENT VALESKY: Senator  
8 Hoylman.

9 SENATOR HOYLMAN: Thank you,  
10 Mr. President.

11 And I wanted to thank my colleague  
12 Senator Squadron and my other colleague Senator  
13 Espaillat. As it was noted, we share this park,  
14 which is really a green ribbon along the entire  
15 West Side of Manhattan.

16 And I was thinking of Senator Young,  
17 who had a bill in committee a week or so ago  
18 about videotaping in backyards. And in Manhattan  
19 we don't have backyards, but we have the Hudson  
20 River Park, which is our backyard.

21 So it's such an important issue for  
22 my local community. I alone, Mr. President, have  
23 been working on this issue for about seven  
24 years. So you can imagine that the three of us,  
25 the three Senators who represent the park, were

1 not pleased that it came through the Rules  
2 Committee rather than through one of the Senators  
3 who represent the park itself.

4 That said, in addition to that fact,  
5 the issue is incredibly, incredibly contentious.  
6 We have had public meetings for years. Hundreds  
7 and hundreds of public school parents and kids  
8 and passive park users and seniors all rely on  
9 this park. And the one thing they have asked,  
10 Mr. President, over and over again, is a  
11 transparent process in which they can participate  
12 to help create the future of the park.

13 And unfortunately, I don't think we  
14 have given them that process. Part of that is  
15 the nature of Albany, as I've learned in my first  
16 year. It's human nature to procrastinate, of  
17 course. But at the same time, I think we could  
18 have done a better job in providing my  
19 constituents a forum in which to discuss these  
20 important changes.

21 I will note some of the changes  
22 which are for the good. There is a dedicated  
23 revenue stream now for the first time, in this  
24 bill, for the park. And that comes from the sale  
25 of air rights. The important thing about those

1 air rates is that they are subject to a public  
2 process themselves. So as my constituents want a  
3 public process, they'll get that partially  
4 through this legislation.

5 You might know, or not, that the  
6 survivors of the Titanic actually were docked on  
7 Hudson River Park, on one of the piers. And  
8 historic elements of that pier will be saved  
9 through this act.

10 And through some negotiations that  
11 we did back-channel with the Assembly, we got the  
12 residential uses removed from two of the piers.  
13 We were also able to remove a hotel use, and I  
14 think that's better for the future of the park.

15 So overall, as I pry my eyes open to  
16 stay awake, the changes I think will be better  
17 for the park. There are imperfections, including  
18 the placement of a permanent heliport, which the  
19 community board has opposed for a very long  
20 time. But I see more good than bad.

21 And I wanted to again thank my  
22 colleagues and thank my colleagues in the  
23 Assembly for moving this forward. And I'll be  
24 voting aye, Mr. President.

25 Thank you.



1                   ACTING PRESIDENT VALESKY:     Senator  
2     Espaillat.

3                   SENATOR ESPAILLAT:     Thank you,  
4     Mr. President.

5                   I want to thank both of my  
6     colleagues, Senator Hoylman and Senator  
7     Squadron. They have been working on this  
8     particular issue for much longer than I have.

9                   And this legislation is a critical  
10    piece for safeguarding not only the park itself,  
11    but the future of the waterfront development in  
12    this particular area, at the southern part of the  
13    Island of Manhattan.

14                  But if done correctly, this could  
15    also serve as a successful model for  
16    less-affluent areas of the Island of Manhattan  
17    and the City of New York. So we're looking at an  
18    experiment, if you may, that if done correctly,  
19    if done through a process that is both  
20    accountable and transparent, if a model that's  
21    sustainable and ecologically friendly is  
22    developed, we could be able to emulate and  
23    duplicate this model in other waterfront  
24    neighborhoods across the borough and the City of  
25    New York.

1                   So I am happy to have been part of  
2                   this with both of my colleagues, and I will be  
3                   voting in the affirmative.

4                   ACTING PRESIDENT VALESKY:   Seeing  
5                   no other Senator who wishes to be heard, the  
6                   debate is closed. The Secretary will ring the  
7                   bells.

8                   Read the last section.

9                   THE SECRETARY:   Section 2. This  
10                  act shall take effect immediately.

11                  ACTING PRESIDENT VALESKY:   Call the  
12                  roll.

13                  (The Secretary called the roll.)

14                  ACTING PRESIDENT VALESKY:   Announce  
15                  the results.

16                  THE SECRETARY:   Absent from  
17                  voting: Senators Diaz, Larkin, Maziarz, Peralta,  
18                  Sampson and Sanders.

19                  Ayes, 56.

20                  ACTING PRESIDENT VALESKY:   The bill  
21                  is passed.

22                  Senator Libous.

23                  SENATOR LIBOUS:   Mr. President, I  
24                  believe there's a privileged resolution at the  
25                  desk. Could we have the title read, please.

1           ACTING PRESIDENT VALESKY:    The  
2   Secretary will read.

3           THE SECRETARY:    Senate Resolution  
4   establishing a plan setting forth an itemized  
5   list of grantees for certain appropriations in  
6   the 2013-2014 state fiscal year.

7           ACTING PRESIDENT VALESKY:    Call the  
8   roll on the resolution.

9           (The Secretary called the roll.)

10          THE SECRETARY:    Ayes, 63.

11          ACTING PRESIDENT VALESKY:    The  
12   resolution is adopted.

13          Senator Libous.

14          SENATOR LIBOUS:    Mr. President,  
15   there's another privileged resolution at the  
16   desk.  I ask that we have it read.

17          ACTING PRESIDENT VALESKY:    The  
18   Secretary will read.

19          THE SECRETARY:    Senate Resolution  
20   establishing a plan setting forth an itemized  
21   list of grantees for a certain appropriation for  
22   the 2013-2014 state fiscal year for grants in aid  
23   for drug violence and crime control and  
24   prevention programs, for grants that prevent  
25   domestic violence or aid victims of domestic

1 violence, grants for civil or criminal domestic  
2 violence legal services, grants for law  
3 enforcement, anti-crime, anti-drug, crime  
4 prevention and treatment programs, as required by  
5 a plan setting forth an itemized list of grantees  
6 with the amount to be received by each, or the  
7 methodology for allocating such appropriation.  
8 Such plan shall be subject to the approval of the  
9 Temporary President of the Senate and the  
10 Director of the Budget and thereafter shall be  
11 included in a resolution calling for the  
12 expenditure of such monies, which resolution must  
13 be approved by a majority vote of all members  
14 elected to the Senate upon a roll call vote.

15 ACTING PRESIDENT VALESKY: Call the  
16 roll on the resolution.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT VALESKY: The  
20 resolution is adopted.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President, I  
23 believe there's another privileged resolution at  
24 the desk.

25 ACTING PRESIDENT VALESKY: The

1 Secretary will read the title.

2 THE SECRETARY: Senate Resolution  
3 amending Senate Resolution R5596 of 2012  
4 establishing a plan setting forth an itemized  
5 list of grantees for the New York State Economic  
6 Development Assistance Program, established  
7 pursuant to an appropriation in the 2008-2009  
8 state fiscal year and in Part QQ of Chapter 57 of  
9 the Laws of 2008 relating to such itemized list  
10 of grantees.

11 ACTING PRESIDENT VALESKY: Call the  
12 roll on the resolution.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT VALESKY: The  
16 resolution is adopted.

17 Senator Libous.

18 SENATOR LIBOUS: Mr. President,  
19 could we go to messages from the Assembly. I  
20 believe we have a couple of hand-downs we could  
21 do.

22 ACTING PRESIDENT VALESKY: We do  
23 have a couple of messages from the Assembly.

24 The Secretary will read.

25 THE SECRETARY: The Assembly sent

1 for concurrence the following bill. On motion by  
2 Senator Skelos and Senator Klein, said bill  
3 ordered direct to third reading: Assembly Bill  
4 Number 8084.

5 ACTING PRESIDENT VALESKY: The bill  
6 is ordered direct to third reading.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 1664, by Member of the Assembly Sweeney, Assembly  
10 Print Number 8084, an act to amend the  
11 Environmental Conservation Law.

12 ACTING PRESIDENT VALESKY: Read the  
13 last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect immediately.

16 ACTING PRESIDENT VALESKY: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: In relation to  
20 Calendar Number 1664, those recorded in the  
21 negative are Senators Ball, Griffo, Little,  
22 Nozzolio, Young, and Zeldin.

23 ACTING PRESIDENT VALESKY: Senator  
24 Little to explain her vote.

25 SENATOR LITTLE: No, Mr. President,

1     could you just give me the number of that bill  
2     again? Not just the Calendar Number, but the  
3     Senate number.

4                 ACTING PRESIDENT VALESKY:     It's an  
5     Assembly number. This is actually a hand-down.

6                 SENATOR LIBOUS:     It's a hand-down  
7     from the Assembly, Senator. There is no Senate  
8     number.

9                 SENATOR LITTLE:     Thank you. Just  
10    wanted to make sure I had the right bill.

11                ACTING PRESIDENT VALESKY:     Announce  
12    the results.

13                THE SECRETARY:     In relation to  
14    Calendar Number 1664, those recorded in the  
15    negative are Senators Ball, Griffio, Little,  
16    Nozzolio, Young and Zeldin.

17                Ayes, 57. Nays, 6.

18                ACTING PRESIDENT VALESKY:     The bill  
19    is passed.

20                The Secretary will continue to read  
21    the messages from the Assembly.

22                SENATOR LIBOUS:     Mr. President, can  
23    we go back to motions, please. I'm sorry, are  
24    you done?

25                ACTING PRESIDENT VALESKY:     We have

1 one more message from the Assembly.

2 SENATOR LIBOUS: I apologize,  
3 Mr. President.

4 ACTING PRESIDENT VALESKY: The  
5 Secretary will read.

6 THE SECRETARY: The Assembly sent  
7 for concurrence the following bill. On motion by  
8 Senator Skelos and Senator Klein, said bill  
9 ordered direct to third reading: Assembly Bill  
10 Number 7428.

11 ACTING PRESIDENT VALESKY: The bill  
12 is ordered direct to third reading.

13 THE SECRETARY: Calendar Number  
14 1665, by Member of the Assembly Hennessey,  
15 Assembly Print 7428, an act relating to the cost  
16 allowance.

17 ACTING PRESIDENT VALESKY: Read the  
18 last section.

19 THE SECRETARY: Section 2. This  
20 act shall take effect immediately.

21 ACTING PRESIDENT VALESKY: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT VALESKY: The bill



1 is passed.

2 Senator Libous.

3 SENATOR LIBOUS: Mr. President,  
4 could we go back to motions, please.

5 ACTING PRESIDENT VALESKY: On  
6 motions and resolutions.

7 SENATOR LIBOUS: Thank you,  
8 Mr. President.

9 I want to call up Assembly Print  
10 Number 8097, which is now at the desk.

11 ACTING PRESIDENT VALESKY: The  
12 Secretary will read.

13 THE SECRETARY: Calendar Number  
14 1635, by Member of the Assembly Hooper, Assembly  
15 Print Number 8097, an act to amend the General  
16 Municipal Law.

17 SENATOR LIBOUS: Mr. President, I  
18 now move to reconsider the vote by which this  
19 bill was passed.

20 ACTING PRESIDENT VALESKY: Call the  
21 roll on reconsideration.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 63.

24 SENATOR LIBOUS: Mr. President, lay  
25 the bill aside for the day, please.

1                   ACTING PRESIDENT VALESKY:    The bill  
2   is laid aside for the day.

3                   Senator Libous.

4                   SENATOR LIBOUS:    I believe at this  
5   time, Mr. President, we have to stand at ease for  
6   a bit because I believe there's some housekeeping  
7   at the desk before we can take the hand-downs on  
8   some of these other agendas.

9                   ACTING PRESIDENT VALESKY:    The  
10   Senate will stand at ease.

11                   (Whereupon, the Senate stood at ease  
12   at 5:31 a.m.)

13                   (Whereupon, the Senate reconvened at  
14   5:59 a.m.)

15                   ACTING PRESIDENT VALESKY:    Senator  
16   DeFrancisco.

17                   SENATOR DeFRANCISCO:    Yes, the next  
18   order of business is Supplemental Active List  
19   Number 3.

20                   ACTING PRESIDENT VALESKY:    The  
21   Secretary will proceed with the noncontroversial  
22   reading of Senate Supplemental Active List 3.

23                   The Secretary will read.

24                   THE SECRETARY:    In relation to  
25   Calendar Number 229, Senator Adams moves to

1 discharge, from the Committee on Rules, Assembly  
2 Bill Number 4851 and substitute it for the  
3 identical Senate Bill Number 3560, Third Reading  
4 Calendar 229.

5 ACTING PRESIDENT VALESKY:  
6 Substitution ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 229, by Member of the Assembly Lentol, Assembly  
10 Print Number 4851, an act to amend the Alcoholic  
11 Beverage Control Law.

12 ACTING PRESIDENT VALESKY: Read the  
13 last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect immediately.

16 ACTING PRESIDENT VALESKY: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 63.

20 ACTING PRESIDENT VALESKY: The bill  
21 is passed.

22 THE SECRETARY: In relation to  
23 Calendar Number 240, Senator Lanza moves to  
24 discharge, from the Committee on Local  
25 Government, Assembly Bill Number 472 and

1 substitute it for the identical Senate Bill  
2 Number 4085, Third Reading Calendar 240.

3 ACTING PRESIDENT VALESKY:  
4 Substitution ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 240, by Member of the Assembly Magnarelli,  
8 Assembly Print 472, an act to amend the Municipal  
9 Home Rule Law.

10 ACTING PRESIDENT VALESKY: Read the  
11 last section.

12 THE SECRETARY: Section 2. This  
13 act shall take effect immediately.

14 ACTING PRESIDENT VALESKY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 63.

18 ACTING PRESIDENT VALESKY: The bill  
19 is passed.

20 THE SECRETARY: In relation to  
21 Calendar Number 800, Senator Marcellino moves to  
22 discharge, from the Committee on Finance,  
23 Assembly Bill Number 7121 and substitute it for  
24 the identical Senate Bill Number 4913, Third  
25 Reading Calendar 800.

1                   ACTING PRESIDENT VALESKY:

2       Substitution ordered.

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5       800, by Member of the Assembly Schimminger,  
6       Assembly Print 7121, an act to amend Chapter 396  
7       of the Laws of 2010.

8                   ACTING PRESIDENT VALESKY:    Read the  
9       last section.

10                  THE SECRETARY:    Section 2.   This  
11       act shall take effect immediately.

12                  ACTING PRESIDENT VALESKY:    Call the  
13       roll.

14                  (The Secretary called the roll.)

15                  THE SECRETARY:    Ayes, 63.

16                  ACTING PRESIDENT VALESKY:    The bill  
17       is passed.

18                  THE SECRETARY:    In relation to  
19       Calendar Number 980, Senator Parker moves to  
20       discharge, from the Committee on Rules, Assembly  
21       Bill Number 4834 and substitute it for the  
22       identical Senate Bill Number 4534, Third Reading  
23       Calendar 980.

24                  ACTING PRESIDENT VALESKY:  
25       Substitution ordered.

1                   The Secretary will read.

2                   THE SECRETARY:   Calendar Number  
3   980, by Member of the Assembly Perry, Assembly  
4   Print Number 4834, an act to amend the Alcoholic  
5   Beverage Control Law.

6                   ACTING PRESIDENT VALESKY:   Read the  
7   last section.

8                   THE SECRETARY:   Section 2.   This  
9   act shall take effect immediately.

10                  ACTING PRESIDENT VALESKY:   Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:   Ayes, 63.

14                  ACTING PRESIDENT VALESKY:   The bill  
15   is passed.

16                  THE SECRETARY:   In relation to  
17   Calendar Number 1012, Senator Bonacic moves to  
18   discharge, from the Committee on Judiciary,  
19   Assembly Print Number 4395 and substitute it for  
20   the identical Senate Bill Number 886A, Third  
21   Reading Calendar 1012.

22                  ACTING PRESIDENT VALESKY:  
23   Substitution ordered.

24                  THE SECRETARY:   Calendar Number  
25   1012, by Member of the Assembly Weinstein,

1 Assembly Print Number 4395, Concurrent Resolution  
2 of the Senate and Assembly.

3 ACTING PRESIDENT VALESKY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT VALESKY: Announce  
7 the results.

8 THE SECRETARY: Those recorded in  
9 the negative on Calendar Number 1012 are Senators  
10 Ball, DeFrancisco, Libous, Little, Nozzolio,  
11 O'Mara, Ranzenhofer, Robach and Seward.

12 Ayes, 54. Nays, 9.

13 ACTING PRESIDENT VALESKY: The  
14 resolution is adopted.

15 THE SECRETARY: In relation to  
16 Calendar Number 1109, Senator LaValle moves to  
17 discharge, from the Committee on Rules, Assembly  
18 Bill Number 7179 and substitute it for the  
19 identical Senate Bill Number 5029, Third Reading  
20 Calendar 1109.

21 ACTING PRESIDENT VALESKY:  
22 Substitution ordered.

23 The Secretary will read.

24 THE SECRETARY: Calendar Number  
25 1109, by Member of the Assembly Sweeney, Assembly

1     Print Number 7179, an act to amend the Public  
2     Authorities Law.

3             ACTING PRESIDENT VALESKY:     Read the  
4     last section.

5             THE SECRETARY:     Section 2.     This  
6     act shall take effect immediately.

7             ACTING PRESIDENT VALESKY:     Call the  
8     roll.

9             (The Secretary called the roll.)

10            THE SECRETARY:     Ayes, 62.     Nays, 1  
11     Senator Ball recorded in the negative.

12            ACTING PRESIDENT VALESKY:     The bill  
13     is passed.

14            THE SECRETARY:     Calendar Number  
15     1214, by Senator Gallivan, Senate Print 89A, an  
16     act to amend the Executive Law.

17            ACTING PRESIDENT VALESKY:     Read the  
18     last section.

19            THE SECRETARY:     Section 2.     This  
20     act shall take effect on the 60th day.

21            ACTING PRESIDENT VALESKY:     Call the  
22     roll.

23            (The Secretary called the roll.)

24            THE SECRETARY:     Ayes, 63.

25            ACTING PRESIDENT VALESKY:     The bill



1 is passed.

2 THE SECRETARY: In relation to  
3 Calendar Number 1218, Senator Bonacic moves to  
4 discharge, from the Committee on Rules, Assembly  
5 Bill Number 4070 and substitute it for the  
6 identical Senate Bill Number 877, Third Reading  
7 Calendar 1218.

8 ACTING PRESIDENT VALESKY:  
9 Substitution ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 1218, by Member of the Assembly Galef, Assembly  
13 Print Number 4070, an act to amend the Real  
14 Property Tax Law.

15 ACTING PRESIDENT VALESKY: Read the  
16 last section.

17 THE SECRETARY: Section 2. This  
18 act shall take effect immediately.

19 ACTING PRESIDENT VALESKY: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 63.

23 ACTING PRESIDENT VALESKY: The bill  
24 is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 1493, Senator Golden moves to  
2 discharge, from the Committee on Rules, Assembly  
3 Bill Number 6942 and substitute it for the  
4 identical Senate Bill Number 5053, Third Reading  
5 Calendar 1493.

6 ACTING PRESIDENT VALESKY:  
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 1493, by Member of the Assembly Abbate, Assembly  
11 Print Number 6942, an act to amend the Retirement  
12 and Social Security Law.

13 ACTING PRESIDENT VALESKY: Read the  
14 last section.

15 THE SECRETARY: Section 2. This  
16 act shall take effect immediately.

17 ACTING PRESIDENT VALESKY: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT VALESKY: The bill  
22 is passed.

23 Senator Libous, that completes the  
24 noncontroversial reading of Supplemental Active  
25 List 3.

1                   SENATOR LIBOUS:    Mr. President,  
2                   could we have the noncontroversial reading of  
3                   Supplemental Active List Number 2.

4                   ACTING PRESIDENT VALESKY:    The  
5                   Secretary will read Supplemental Active List 2.

6                   THE SECRETARY:    In relation to  
7                   Calendar Number 497, Senator Golden moves to  
8                   discharge, from the Committee on Local  
9                   Government, Assembly Bill Number 7175 and  
10                  substitute it for the identical Senate Bill  
11                  Number 4655, Third Reading Calendar 497.

12                  ACTING PRESIDENT VALESKY:  
13                  Substitution ordered.

14                  The Secretary will read.

15                  THE SECRETARY:    Calendar Number  
16                  497, by Member of the Assembly Farrell, Assembly  
17                  Print Number 7175, an act to amend the Local  
18                  Finance Law.

19                  ACTING PRESIDENT VALESKY:    Read the  
20                  last section.

21                  THE SECRETARY:    Section 2.   This  
22                  act shall take effect immediately.

23                  ACTING PRESIDENT VALESKY:    Call the  
24                  roll.

25                  (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 63.

2 ACTING PRESIDENT VALESKY: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 579, by Senator Ball, Senate Print 3878A, an act  
6 to amend the Tax Law.

7 ACTING PRESIDENT VALESKY: Read the  
8 last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect immediately.

11 ACTING PRESIDENT VALESKY: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 63.

15 ACTING PRESIDENT VALESKY: The bill  
16 is passed.

17 THE SECRETARY: In relation to  
18 Calendar Number 844, Senator Libous moves to  
19 discharge, from the Committee on Investigations  
20 and Government Operations, Assembly Bill Number  
21 2841 and substitute it for the identical Senate  
22 Bill Number 2347, Third Reading Calendar 844.

23 ACTING PRESIDENT VALESKY:  
24 Substitution ordered.

25 The Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2   844, by Member of the Assembly Crouch, Assembly  
3   Print Number 2841, an act to amend the Tax Law.

4                   ACTING PRESIDENT VALESKY:   Read the  
5   last section.

6                   THE SECRETARY:    Section 2.   This  
7   act shall take effect immediately.

8                   ACTING PRESIDENT VALESKY:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:    Ayes, 62.   Nays,  
12   1.   Senator Ball recorded in the negative.

13                   ACTING PRESIDENT VALESKY:   The bill  
14   is passed.

15                   THE SECRETARY:    In relation to  
16   Calendar Number 845, Senator Latimer moves to  
17   discharge, from the Committee on Investigations  
18   and Government Operations, Assembly Bill Number  
19   5138 and substitute it for the identical Senate  
20   Bill Number 2591, Third Reading Calendar 845.

21                   ACTING PRESIDENT VALESKY:  
22   Substitution ordered.

23                   The Secretary will read.

24                   THE SECRETARY:    Calendar Number  
25   845, by Member of the Assembly Otis, Assembly

1     Print Number 5138, an act to amend the Tax Law.

2             ACTING PRESIDENT VALESKY:     Read the  
3     last section.

4             THE SECRETARY:     Section 2.     This  
5     act shall take effect immediately.

6             ACTING PRESIDENT VALESKY:     Call the  
7     roll.

8             (The Secretary called the roll.)

9             THE SECRETARY:     Ayes, 62.     Nays,  
10     1.     Senator Ball recorded in the negative.

11             ACTING PRESIDENT VALESKY:     The bill  
12     is passed.

13             THE SECRETARY:     In relation to  
14     Calendar Number 846, Senator Latimer moves to  
15     discharge, from the Committee on Investigations  
16     and Government Operations, Assembly Bill Number  
17     3823 and substitute it for the identical Senate  
18     Bill Number 2594, Third Reading Calendar 846.

19             ACTING PRESIDENT VALESKY:  
20     Substitution ordered.

21             The Secretary will read.

22             THE SECRETARY:     Calendar Number  
23     846, by Member of the Assembly Otis, Assembly  
24     Print Number 3823, an act to amend Chapter 381 of  
25     the Laws of 2010.

1                   ACTING PRESIDENT VALESKY:    Read the  
2   last section.

3                   THE SECRETARY:    Section 2.   This  
4   act shall take effect immediately.

5                   ACTING PRESIDENT VALESKY:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.   Nays,  
9   1.   Senator Ball recorded in the negative.

10                  ACTING PRESIDENT VALESKY:    The bill  
11   is passed.

12                  THE SECRETARY:    In relation to  
13   Calendar Number 847, Senator Libous moves to  
14   discharge, from the Committee on Investigations  
15   and Government Operations, Assembly Bill Number  
16   5902 and substitute it for the identical Senate  
17   Bill Number 3665, Third Reading Calendar 847.

18                  ACTING PRESIDENT VALESKY:  
19   Substitution ordered.

20                  The Secretary will read.

21                  THE SECRETARY:    Calendar Number  
22   847, by Member of the Assembly Friend, Assembly  
23   Print Number 5902, an act to amend the Tax Law.

24                  ACTING PRESIDENT VALESKY:    Read the  
25   last section.

1 THE SECRETARY: Section 2. This  
2 act shall take effect immediately.

3 ACTING PRESIDENT VALESKY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62. Nays,  
7 1. Senator Ball recorded in the negative.

8 ACTING PRESIDENT VALESKY: The bill  
9 is passed.

10 THE SECRETARY: In relation to  
11 Calendar Number 848, Senator Libous moves to  
12 discharge, from the Committee on Investigations  
13 and Government Operations, Assembly Bill Number  
14 6438 and substitute it for the identical Senate  
15 Bill Number 3675, Third Reading Calendar 848.

16 ACTING PRESIDENT VALESKY:  
17 Substitution ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 848, by Member of the Assembly Lupardo, Assembly  
21 Print Number 6438, an act to amend the Tax Law.

22 ACTING PRESIDENT VALESKY: Read the  
23 last section.

24 THE SECRETARY: Section 2. This  
25 act shall take effect immediately.



1                   ACTING PRESIDENT VALESKY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 62.  Nays,  
5   1.  Senator Ball recorded in the negative.

6                   ACTING PRESIDENT VALESKY:    The bill  
7   is passed.

8                   THE SECRETARY:    In relation to  
9   Calendar Number 849, Senator O'Mara moves to  
10   discharge, from the Committee on Investigations  
11   and Government Operations, Assembly Bill Number  
12   5038 and substitute it for the identical Senate  
13   Bill Number 3699, Third Reading Calendar 849.

14                   ACTING PRESIDENT VALESKY:  
15   Substitution ordered.

16                   The Secretary will read.

17                   THE SECRETARY:    Calendar Number  
18   849, by Member of the Assembly Palmesano,  
19   Assembly Print Number 5038, an act to amend the  
20   Tax Law.

21                   ACTING PRESIDENT VALESKY:    Read the  
22   last section.

23                   THE SECRETARY:    Section 2.  This  
24   act shall take effect immediately.

25                   ACTING PRESIDENT VALESKY:    Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62. Nays,

4 1. Senator Ball recorded in the negative.

5 ACTING PRESIDENT VALESKY: The bill  
6 is passed.

7 THE SECRETARY: In relation to  
8 Calendar Number 850, Senator Seward moves to  
9 discharge, from the Committee on Investigations  
10 and Government Operations, Assembly Print Number  
11 6050 and substitute it for the identical Senate  
12 Bill Number 4018, Third Reading Calendar 850.

13 ACTING PRESIDENT VALESKY:  
14 Substitution ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number  
17 850, by Member of the Assembly Magee, Assembly  
18 Print Number 6050, an act to amend the Tax Law.

19 ACTING PRESIDENT VALESKY: Read the  
20 last section.

21 THE SECRETARY: Section 2. This  
22 act shall take effect immediately.

23 ACTING PRESIDENT VALESKY: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62. Nays,  
2 1. Senator Ball recorded in the negative.

3 ACTING PRESIDENT VALESKY: The bill  
4 is passed.

5 THE SECRETARY: In relation to  
6 Calendar Number 851, Senator Seward moves to  
7 discharge, from the Committee on Investigations  
8 and Government Operations, Assembly Bill Number  
9 6315 and substitute it for the identical Senate  
10 Bill Number 4019, Third Reading Calendar 851.

11 ACTING PRESIDENT VALESKY:  
12 Substitution ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 851, by Member of the Assembly Lopez, Assembly  
16 Print Number 6315, an act to amend the Tax Law.

17 ACTING PRESIDENT VALESKY: Read the  
18 last section.

19 THE SECRETARY: Section 2. This  
20 act shall take effect immediately.

21 ACTING PRESIDENT VALESKY: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62. Nays,  
25 1. Senator Ball recorded in the negative.

1           ACTING PRESIDENT VALESKY:    The bill  
2   is passed.

3           THE SECRETARY:    In relation to  
4   Calendar Number 852, Senator Seward moves to  
5   discharge, from the Committee on Investigations  
6   and Government Operations, Assembly Bill Number  
7   6314 and substitute it for the identical Senate  
8   Bill Number 4020, Third Reading Calendar 852.

9           ACTING PRESIDENT VALESKY:  
10   Substitution ordered.

11           The Secretary will read.

12           THE SECRETARY:    Calendar Number  
13   852, by Member of the Assembly Lopez, Assembly  
14   Print Number 6314, an act to amend Chapter 333 of  
15   the Laws of 2006.

16           ACTING PRESIDENT VALESKY:    Read the  
17   last section.

18           THE SECRETARY:    Section 2.   This  
19   act shall take effect immediately.

20           ACTING PRESIDENT VALESKY:    Call the  
21   roll.

22           (The Secretary called the roll.)

23           THE SECRETARY:    Ayes, 62.   Nays,  
24   1.   Senator Ball recorded in the negative.

25           ACTING PRESIDENT VALESKY:    The bill

1 is passed.

2 THE SECRETARY: In relation to  
3 Calendar Number 853, Senator Stewart-Cousins  
4 moves to discharge, from the Committee on  
5 Investigations and Government Operations,  
6 Assembly Bill Number 7022 and substitute it for  
7 the identical Senate Bill Number 4116, Third  
8 Reading Calendar 853.

9 ACTING PRESIDENT VALESKY:  
10 Substitution ordered.

11 The Secretary will read.

12 THE SECRETARY: Calendar Number  
13 853, by Member of the Assembly Pretlow, Assembly  
14 Print Number 7022, an act to amend the Tax Law.

15 ACTING PRESIDENT VALESKY: Read the  
16 last section.

17 THE SECRETARY: Section 2. This  
18 act shall take effect immediately.

19 ACTING PRESIDENT VALESKY: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 62. Nays,  
23 1. Senator Ball recorded in the negative.

24 ACTING PRESIDENT VALESKY: The bill  
25 is passed.

1                   THE SECRETARY:   In relation to  
2   Calendar Number 854, Senator O'Mara moves to  
3   discharge, from the Committee on Investigations  
4   and Government Operations, Assembly Bill Number  
5   6458 and substitute it for the identical Senate  
6   Bill Number 4123, Third Reading Calendar 854.

7                   ACTING PRESIDENT VALESKY:  
8   Substitution ordered.

9                   The Secretary will read.

10                  THE SECRETARY:   Calendar Number  
11   854, by Member of the Assembly Lifton, Assembly  
12   Print Number 6458, an act to amend the Tax Law.

13                  ACTING PRESIDENT VALESKY:   Read the  
14   last section.

15                  THE SECRETARY:   Section 2.   This  
16   act shall take effect immediately.

17                  ACTING PRESIDENT VALESKY:   Call the  
18   roll.

19                  (The Secretary called the roll.)

20                  THE SECRETARY:   Ayes, 62.   Nays,  
21   1.   Senator Ball recorded in the negative.

22                  ACTING PRESIDENT VALESKY:   The bill  
23   is passed.

24                  THE SECRETARY:   In relation to  
25   Calendar Number 855, Senator O'Mara moves to

1 discharge, from the Committee on Investigations  
2 and Government Operations, Assembly Bill Number  
3 6376 and substitute it for the identical Senate  
4 Bill Number 4263, Third Reading Calendar 855.

5 ACTING PRESIDENT VALESKY:  
6 Substitution ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 855, by Member of the Assembly Friend, Assembly  
10 Bill Number 6376, an act to amend the Tax Law.

11 ACTING PRESIDENT VALESKY: Read the  
12 last section.

13 THE SECRETARY: Section 2. This  
14 act shall take effect immediately.

15 ACTING PRESIDENT VALESKY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62. Nays,  
19 1. Senator Ball recorded in the negative.

20 ACTING PRESIDENT VALESKY: The bill  
21 is passed.

22 THE SECRETARY: In relation to  
23 Calendar Number 856, Senator O'Mara moves to  
24 discharge, from the Committee on Investigations  
25 and Government Operations, Assembly Bill Number

1 6243 and substitute it for the identical Senate  
2 Bill Number 4264, Third Reading Calendar 856.

3 ACTING PRESIDENT VALESKY:  
4 Substitution ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 856, by Member of the Assembly Palmesano,  
8 Assembly Print Number 6243, an act to amend the  
9 Tax Law.

10 ACTING PRESIDENT VALESKY: Read the  
11 last section.

12 THE SECRETARY: Section 2. This  
13 act shall take effect immediately.

14 ACTING PRESIDENT VALESKY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62. Nays,  
18 1. Senator Ball recorded in the negative.

19 ACTING PRESIDENT VALESKY: The bill  
20 is passed.

21 THE SECRETARY: In relation to  
22 Calendar Number 857, Senator Stewart-Cousins  
23 moves to discharge, from the Committee on  
24 Investigations and Government Operations,  
25 Assembly Bill Number 6549 and substitute it for



1 the identical Senate Bill Number 4298, Third  
2 Reading Calendar 857.

3 ACTING PRESIDENT VALESKY:  
4 Substitution ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 857, by Member of the Assembly Pretlow, Assembly  
8 Print Number 6549, an act to amend the Tax Law.

9 ACTING PRESIDENT VALESKY: Read the  
10 last section.

11 THE SECRETARY: Section 2. This  
12 act shall take effect immediately.

13 ACTING PRESIDENT VALESKY: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62. Nays,  
17 1. Senator Ball recorded in the negative.

18 ACTING PRESIDENT VALESKY: The bill  
19 is passed.

20 THE SECRETARY: In relation to  
21 Calendar Number 858, Senator O'Mara moves to  
22 discharge, from the Committee on Investigations  
23 and Government Operations, Assembly Bill Number  
24 6416 and substitute it for the identical Senate  
25 Bill Number 4330, Third Reading Calendar 858.

1                   ACTING PRESIDENT VALESKY:

2       Substitution ordered.

3                   The Secretary will read.

4                   THE SECRETARY:     Calendar Number  
5       858, by Member of the Assembly Palmesano,  
6       Assembly Print Number 6416, an act to amend the  
7       Tax Law.

8                   ACTING PRESIDENT VALESKY:     Read the  
9       last section.

10                  THE SECRETARY:     Section 2.   This  
11       act shall take effect immediately.

12                  ACTING PRESIDENT VALESKY:     Call the  
13       roll.

14                  (The Secretary called the roll.)

15                  THE SECRETARY:     Ayes, 62.   Nays,  
16       1.   Senator Ball recorded in the negative.

17                  ACTING PRESIDENT VALESKY:     The bill  
18       is passed.

19                  THE SECRETARY:     In relation to  
20       Calendar Number 859, Senator Gallivan moves to  
21       discharge, from the Committee on Investigations  
22       and Government Operations, Assembly Bill Number  
23       7267 and substitute it for the identical Senate  
24       Bill Number 4430, Third Reading Calendar 859.

25                  ACTING PRESIDENT VALESKY:

1 Substitution ordered.

2 The Secretary will read.

3 THE SECRETARY: Calendar Number  
4 859, by Member of the Assembly Nojay, Assembly  
5 Print Number 7267, an act to amend the Tax Law.

6 ACTING PRESIDENT VALESKY: Read the  
7 last section.

8 THE SECRETARY: Section 2. This  
9 act shall take effect immediately.

10 ACTING PRESIDENT VALESKY: Call the  
11 roll.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 62. Nays,  
14 1. Senator Ball recorded in the negative.

15 ACTING PRESIDENT VALESKY: The bill  
16 is passed.

17 THE SECRETARY: In relation to  
18 Calendar Number 860, Senator Ranzenhofer moves to  
19 discharge, from the Committee on Investigations  
20 and Government Operations, Assembly Bill Number  
21 6734 and substitute it for the identical Senate  
22 Bill Number 4436, Third Reading Calendar 860.

23 ACTING PRESIDENT VALESKY:  
24 Substitution ordered.

25 The Secretary will read.

1                   THE SECRETARY:   Calendar Number  
2   860, by Member of the Assembly Hawley, Assembly  
3   Print Number 6734, an act to amend the Tax Law.

4                   ACTING PRESIDENT VALESKY:   Read the  
5   last section.

6                   THE SECRETARY:   Section 2.   This  
7   act shall take effect immediately.

8                   ACTING PRESIDENT VALESKY:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:   Ayes, 62.   Nays,  
12   1.   Senator Ball recorded in the negative.

13                   ACTING PRESIDENT VALESKY:   The bill  
14   is passed.

15                   THE SECRETARY:   In relation to  
16   Calendar Number 861, Senator Ranzenhofer moves to  
17   discharge, from the Committee on Investigations  
18   and Government Operations, Assembly Bill Number  
19   6732 substitute it for the identical Senate Bill  
20   Number 4437, Third Reading Calendar 861.

21                   ACTING PRESIDENT VALESKY:  
22   Substitution ordered.

23                   The Secretary will read.

24                   THE SECRETARY:   Calendar Number  
25   861, by Member of the Assembly Hawley, Assembly

1     Print Number 6732, an act to amend Chapter 579 of  
2     the Laws of 2004.

3             ACTING PRESIDENT VALESKY:     Read the  
4     last section.

5             THE SECRETARY:     Section 2.     This  
6     act shall take effect immediately.

7             ACTING PRESIDENT VALESKY:     Call the  
8     roll.

9             (The Secretary called the roll.)

10            THE SECRETARY:     Ayes, 62.     Nays,  
11     1.     Senator Ball recorded in the negative.

12            ACTING PRESIDENT VALESKY:     The bill  
13     is passed.

14            THE SECRETARY:     In relation to  
15     Calendar Number 862, Senator Gipson moves to  
16     discharge, from the Committee on Investigations  
17     and Government Operations, Assembly Bill Number  
18     5420 and substitute it for the identical Senate  
19     Bill Number 4439, Third Reading Calendar 862.

20            ACTING PRESIDENT VALESKY:  
21     Substitution ordered.

22            The Secretary will read.

23            THE SECRETARY:     Calendar Number  
24     862, by Member of the Assembly Skartados,  
25     Assembly Print Number 5420, an act to amend the

1 Tax Law.

2 ACTING PRESIDENT VALESKY: Read the  
3 last section.

4 THE SECRETARY: Section 2. This  
5 act shall take effect immediately.

6 ACTING PRESIDENT VALESKY: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 62. Nays,  
10 1. Senator Ball recorded in the negative.

11 ACTING PRESIDENT VALESKY: The bill  
12 is passed.

13 THE SECRETARY: In relation to  
14 Calendar Number 863, Senator Young moves to  
15 discharge, from the Committee on Investigations  
16 and Government Operations, Assembly Bill Number  
17 6645 and substitute it for the identical Senate  
18 Bill Number 4454, Third Reading Calendar 863.

19 ACTING PRESIDENT VALESKY:  
20 Substitution ordered.

21 The Secretary will read.

22 THE SECRETARY: Calendar Number  
23 863, by Member of the Assembly Giglio, Assembly  
24 Print Number 6645, an act to amend the Tax Law.

25 ACTING PRESIDENT VALESKY: Read the

1 last section.

2 THE SECRETARY: Section 2. This  
3 act shall take effect immediately.

4 ACTING PRESIDENT VALESKY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 62. Nays,  
8 1. Senator Ball recorded in the negative.

9 ACTING PRESIDENT VALESKY: The bill  
10 is passed.

11 THE SECRETARY: In relation to  
12 Calendar Number 864, Senator Ranzenhofer moves to  
13 discharge, from the Committee on Investigations  
14 and Government Operations, Assembly Bill Number  
15 6533 and substitute it for the identical Senate  
16 Bill Number 4458, Third Reading Calendar 864.

17 ACTING PRESIDENT VALESKY:  
18 Substitution ordered.

19 The Secretary will read.

20 THE SECRETARY: Calendar Number  
21 864, by Member of the Assembly Schimminger,  
22 Assembly Print Number 6533, an act to amend the  
23 Tax Law.

24 ACTING PRESIDENT VALESKY: Read the  
25 last section.

1           THE SECRETARY:   Section 2.   This  
2   act shall take effect immediately.

3           ACTING PRESIDENT VALESKY:   Call the  
4   roll.

5           (The Secretary called the roll.)

6           THE SECRETARY:   Ayes, 62.   Nays,  
7   1.   Senator Ball recorded in the negative.

8           ACTING PRESIDENT VALESKY:   The bill  
9   is passed.

10          THE SECRETARY:   In relation to  
11   Calendar Number 865, Senator Little moves to  
12   discharge, from the Committee on Investigations  
13   and Government Operations, Assembly Bill Number  
14   6921 and substitute it for the identical Senate  
15   Bill Number 4462, Third Reading Calendar 865.

16          ACTING PRESIDENT VALESKY:  
17   Substitution ordered.

18          The Secretary will read.

19          THE SECRETARY:   Calendar Number  
20   865, by Member of the Assembly Duprey, Assembly  
21   Print Number 6921, an act to amend the Tax Law.

22          ACTING PRESIDENT VALESKY:   Read the  
23   last section.

24          THE SECRETARY:   Section 2.   This  
25   act shall take effect immediately.



1                   ACTING PRESIDENT VALESKY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 62.   Nays,  
5   1.   Senator Ball recorded in the negative.

6                   ACTING PRESIDENT VALESKY:    The bill  
7   is passed.

8                   THE SECRETARY:    In relation to  
9   Calendar Number 866, Senator Little moves to  
10   discharge, from the Committee on Investigations  
11   and Government Operations, Assembly Bill Number  
12   6925 and substitute it for the identical Senate  
13   Bill Number 4463, Third Reading Calendar 866.

14                   ACTING PRESIDENT VALESKY:  
15   Substitution ordered.

16                   The Secretary will read.

17                   THE SECRETARY:    Calendar Number  
18   866, by Member of the Assembly Duprey, Assembly  
19   Print Number 6925, an act to amend the Tax Law.

20                   ACTING PRESIDENT VALESKY:    Read the  
21   last section.

22                   THE SECRETARY:    Section 2.   This  
23   act shall take effect immediately.

24                   ACTING PRESIDENT VALESKY:    Call the  
25   roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62. Nays,

3 1. Senator Ball recorded in the negative.

4 ACTING PRESIDENT VALESKY: The bill  
5 is passed.

6 THE SECRETARY: Calendar Number  
7 867, by Senator Larkin, Senate Print 4516, an act  
8 to amend the Tax Law.

9 ACTING PRESIDENT VALESKY: Read the  
10 last section.

11 THE SECRETARY: Section 3. This  
12 act shall take effect immediately.

13 ACTING PRESIDENT VALESKY: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62. Nays,

17 1. Senator Ball recorded in the negative.

18 ACTING PRESIDENT VALESKY: The bill  
19 is passed.

20 THE SECRETARY: In relation to  
21 Calendar Number 868, Senator Farley moves to  
22 discharge, from the Committee on Investigations  
23 and Government Operations, Assembly Bill Number  
24 6572 and substitute it for the identical Senate  
25 Bill Number 4555, Third Reading Calendar 868.

1                   ACTING PRESIDENT VALESKY:

2       Substitution ordered.

3                   The Secretary will read.

4                   THE SECRETARY:     Calendar Number  
5       868, by Member of the Assembly Butler, Assembly  
6       Print Number 6572, an act to amend the Tax Law.

7                   ACTING PRESIDENT VALESKY:     Read the  
8       last section.

9                   THE SECRETARY:     Section 2.   This  
10      act shall take effect immediately.

11                  ACTING PRESIDENT VALESKY:     Call the  
12      roll.

13                  (The Secretary called the roll.)

14                  THE SECRETARY:     Ayes, 62.   Nays,  
15      1.   Senator Ball recorded in the negative.

16                  ACTING PRESIDENT VALESKY:     The bill  
17      is passed.

18                  THE SECRETARY:     In relation to  
19      Calendar Number 869, Senator Farley moves to  
20      discharge, from the Committee on Investigations  
21      and Government Operations, Assembly Bill Number  
22      6573 and substitute it for the identical Senate  
23      Bill Number 4556, Third Reading Calendar 869.

24                  ACTING PRESIDENT VALESKY:  
25      Substitution ordered.

1                   The Secretary will read.

2                   THE SECRETARY:    Calendar Number  
3   869, by Member of the Assembly Butler, Assembly  
4   Print Number 6573, an act to amend Chapter 489 of  
5   the Laws of 2004.

6                   ACTING PRESIDENT VALESKY:   Read the  
7   last section.

8                   THE SECRETARY:    Section 2.   This  
9   act shall take effect immediately.

10                  ACTING PRESIDENT VALESKY:   Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:    Ayes, 62.   Nays,  
14   1.   Senator Ball recorded in the negative.

15                  ACTING PRESIDENT VALESKY:   The bill  
16   is passed.

17                  THE SECRETARY:    In relation to  
18   Calendar Number 870, Senator Seward moves to  
19   discharge, from the Committee on Investigations  
20   and Government Operations, Assembly Bill Number  
21   6614 and substitute it for the identical Senate  
22   Bill Number 4559, Third Reading Calendar 870.

23                  ACTING PRESIDENT VALESKY:  
24   Substitution ordered.

25                  The Secretary will read.

1                   THE SECRETARY:   Calendar Number  
2   870, by Member of the Assembly Butler, Assembly  
3   Print Number 6614, an act to amend the Tax Law.

4                   ACTING PRESIDENT VALESKY:   Read the  
5   last section.

6                   THE SECRETARY:   Section 2.   This  
7   act shall take effect immediately.

8                   ACTING PRESIDENT VALESKY:   Call the  
9   roll.

10                   (The Secretary called the roll.)

11                   THE SECRETARY:   Ayes, 62.   Nays,  
12   1.   Senator Ball recorded in the negative.

13                   ACTING PRESIDENT VALESKY:   The bill  
14   is passed.

15                   THE SECRETARY:   In relation to  
16   Calendar Number 871, Senator Marchione moves to  
17   discharge, from the Committee on Investigations  
18   and Government Operations, Assembly Bill Number  
19   6736 and substitute it for the identical Senate  
20   Bill Number 4561, Third Reading Calendar 871.

21                   ACTING PRESIDENT VALESKY:  
22   Substitution ordered.

23                   The Secretary will read.

24                   THE SECRETARY:   Calendar Number  
25   871, by Member of the Assembly McDonald, Assembly

1     Print Number 6736, an act to amend the Tax Law.

2                   ACTING PRESIDENT VALESKY:     Read the  
3     last section.

4                   THE SECRETARY:     Section 2.   This  
5     act shall take effect immediately.

6                   ACTING PRESIDENT VALESKY:     Call the  
7     roll.

8                   (The Secretary called the roll.)

9                   THE SECRETARY:     Ayes, 62.   Nays,  
10    1.   Senator Ball recorded in the negative.

11                   ACTING PRESIDENT VALESKY:     The bill  
12    is passed.

13                   THE SECRETARY:     In relation to  
14    Calendar Number 872, Senator DeFrancisco moves to  
15    discharge, from the Committee on Investigations  
16    and Government Operations, Assembly Bill Number  
17    5499 and substitute it for the identical Senate  
18    Bill Number 4564, Third Reading Calendar 872.

19                   ACTING PRESIDENT VALESKY:  
20    Substitution ordered.

21                   The Secretary will read.

22                   THE SECRETARY:     Calendar Number  
23    872, by Member of the Assembly Magnarelli,  
24    Assembly Print Number 5499, an act to amend the  
25    Tax Law.

1                   ACTING PRESIDENT VALESKY:    Read the  
2   last section.

3                   THE SECRETARY:    Section 2.   This  
4   act shall take effect immediately.

5                   ACTING PRESIDENT VALESKY:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.   Nays,  
9   1.   Senator Ball recorded in the negative.

10                  ACTING PRESIDENT VALESKY:    The bill  
11   is passed.

12                  THE SECRETARY:    In relation to  
13   Calendar Number 873, Senator Farley moves to  
14   discharge, from the Committee on Investigations  
15   and Government Operations, Assembly Bill Number  
16   7224 and substitute it for the identical Senate  
17   Bill Number 4566, Third Reading Calendar 873.

18                  ACTING PRESIDENT VALESKY:  
19   Substitution ordered.

20                  The Secretary will read.

21                  THE SECRETARY:    Calendar Number  
22   873, by Member of the Assembly Steck, Assembly  
23   Print Number 7224, an act to amend the Tax Law.

24                  ACTING PRESIDENT VALESKY:    Read the  
25   last section.

1 THE SECRETARY: Section 2. This  
2 act shall take effect immediately.

3 ACTING PRESIDENT VALESKY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62. Nays,  
7 1. Senator Ball recorded in the negative.

8 ACTING PRESIDENT VALESKY: The bill  
9 is passed.

10 THE SECRETARY: In relation to  
11 Calendar Number 874, Senator Young moves to  
12 discharge, from the Committee on Investigations  
13 and Government Operations, Assembly Bill Number  
14 6738 and substitute it for the identical Senate  
15 Bill Number 4608, Third Reading Calendar 874.

16 ACTING PRESIDENT VALESKY:  
17 Substitution ordered.

18 The Secretary will read.

19 THE SECRETARY: Calendar Number  
20 874, by Member of the Assembly Giglio, Assembly  
21 Print Number 6738, an act to amend the Tax Law.

22 ACTING PRESIDENT VALESKY: Read the  
23 last section.

24 THE SECRETARY: Section 2. This  
25 act shall take effect immediately.



1                   ACTING PRESIDENT VALESKY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 62.  Nays,  
5   1.  Senator Ball recorded in the negative.

6                   ACTING PRESIDENT VALESKY:    The bill  
7   is passed.

8                   THE SECRETARY:    In relation to  
9   Calendar Number 875, Senator Marchione moves to  
10   discharge, from the Committee on Investigations  
11   and Government Operations, Assembly Bill Number  
12   6827 and substitute it for the identical Senate  
13   Bill Number 4620, Third Reading Calendar 875.

14                   ACTING PRESIDENT VALESKY:  
15   Substitution ordered.

16                   The Secretary will read.

17                   THE SECRETARY:    Calendar Number  
18   875, by Member of the Assembly McLaughlin,  
19   Assembly Print Number 6827, an act to amend  
20   Chapter 556 of the Laws of 2007.

21                   ACTING PRESIDENT VALESKY:    Read the  
22   last section.

23                   THE SECRETARY:    Section 2.  This  
24   act shall take effect immediately.

25                   ACTING PRESIDENT VALESKY:    Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 62. Nays,

4 1. Senator Ball recorded in the negative.

5 ACTING PRESIDENT VALESKY: The bill  
6 is passed.

7 THE SECRETARY: In relation to  
8 Calendar Number 876, Senator Marchione moves to  
9 discharge, from the Committee on Investigations  
10 and Government Operations, Assembly Bill Number  
11 6826 and substitute it for the identical Senate  
12 Bill Number 4621, Third Reading Calendar 876.

13 ACTING PRESIDENT VALESKY:  
14 Substitution ordered.

15 The Secretary will read.

16 THE SECRETARY: Calendar Number  
17 876, by Member of the Assembly McLaughlin,  
18 Assembly Print Number 6826, an act to amend the  
19 Tax Law.

20 ACTING PRESIDENT VALESKY: Read the  
21 last section.

22 THE SECRETARY: Section 2. This  
23 act shall take effect immediately.

24 ACTING PRESIDENT VALESKY: Call the  
25 roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62. Nays,

3 1. Senator Ball recorded in the negative.

4 ACTING PRESIDENT VALESKY: The bill  
5 is passed.

6 THE SECRETARY: In relation to  
7 Calendar Number 878, Senator Larkin moves to  
8 discharge, from the Committee on Investigations  
9 and Government Operations, Assembly Bill Number  
10 6739 and substitute it for the identical Senate  
11 Bill Number 4646, Third Reading Calendar 878.

12 ACTING PRESIDENT VALESKY:

13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 878, by Member of the Assembly Rabbitt, Assembly  
17 Print Number 6739, an act to amend the Tax Law.

18 ACTING PRESIDENT VALESKY: Read the  
19 last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT VALESKY: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62. Nays,

1 1. Senator Ball recorded in the negative.

2 ACTING PRESIDENT VALESKY: The bill  
3 is passed.

4 THE SECRETARY: In relation to  
5 Calendar Number 880, Senator O'Mara moves to  
6 discharge, from the Committee on Investigations  
7 and Government Operations, Assembly Bill Number  
8 6682 and substitute it for the identical Senate  
9 Bill Number 4661, Third Reading Calendar 880.

10 ACTING PRESIDENT VALESKY:  
11 Substitution ordered.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number  
14 880, by Member of the Assembly Lifton, Assembly  
15 Print Number 6682, an act to amend the Tax Law.

16 ACTING PRESIDENT VALESKY: Read the  
17 last section.

18 THE SECRETARY: Section 2. This  
19 act shall take effect immediately.

20 ACTING PRESIDENT VALESKY: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 61. Nays,

24 2. Senators Ball and Gipson recorded in the  
25 negative.

1                   ACTING PRESIDENT VALESKY:    The bill  
2   is passed.

3                   THE SECRETARY:    In relation to  
4   Calendar Number 881, Senator Breslin moves to  
5   discharge, from the Committee on Rules, Assembly  
6   Bill Number 6763 and substitute it for the  
7   identical Senate Bill Number 4683, Third Reading  
8   Calendar 881.

9                   ACTING PRESIDENT VALESKY:  
10   Substitution ordered.

11                   The Secretary will read.

12                   THE SECRETARY:    Calendar Number  
13   881, by Member of the Assembly Fahy, Assembly  
14   Print Number 6763, an act to amend the Tax Law.

15                   ACTING PRESIDENT VALESKY:    Read the  
16   last section.

17                   THE SECRETARY:    Section 2.   This  
18   act shall take effect immediately.

19                   ACTING PRESIDENT VALESKY:    Call the  
20   roll.

21                   (The Secretary called the roll.)

22                   THE SECRETARY:    Ayes, 62.   Nays,  
23   1.   Senator Ball recorded in the negative.

24                   ACTING PRESIDENT VALESKY:    The bill  
25   is passed.

1                   THE SECRETARY:   In relation to  
2   Calendar Number 882, Senator Skelos moves to  
3   discharge, from the Committee on Rules, Assembly  
4   Bill Number 7031 and substitute it for the  
5   identical Senate Bill Number 4698, Third Reading  
6   Calendar 882.

7                   ACTING PRESIDENT VALESKY:  
8   Substitution ordered.

9                   The Secretary will read.

10                  THE SECRETARY:   Calendar Number  
11   882, by Member of the Assembly Finch, Assembly  
12   Print Number 7031, an act to amend the Tax Law.

13                  ACTING PRESIDENT VALESKY:   Read the  
14   last section.

15                  THE SECRETARY:   Section 2.   This  
16   act shall take effect immediately.

17                  ACTING PRESIDENT VALESKY:   Call the  
18   roll.

19                  (The Secretary called the roll.)

20                  THE SECRETARY:   Ayes, 62.   Nays,  
21   1.   Senator Ball recorded in the negative.

22                  ACTING PRESIDENT VALESKY:   The bill  
23   is passed.

24                  THE SECRETARY:   In relation to  
25   Calendar Number 883, Senator Skelos moves to

1 discharge, from the Committee on Rules, Assembly  
2 Bill Number 5035 and substitute it for the  
3 identical Senate Bill Number 4699, Third Reading  
4 Calendar 883.

5 ACTING PRESIDENT VALESKY:  
6 Substitution ordered.

7 The Secretary will read.

8 THE SECRETARY: Calendar Number  
9 883, by Member of the Assembly Kolb, Assembly  
10 Print Number 5035, an act to amend the Tax Law.

11 ACTING PRESIDENT VALESKY: Read the  
12 last section.

13 THE SECRETARY: Section 2. This  
14 act shall take effect immediately.

15 ACTING PRESIDENT VALESKY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62. Nays,  
19 1. Senator Ball recorded in the negative.

20 ACTING PRESIDENT VALESKY: The bill  
21 is passed.

22 THE SECRETARY: In relation to  
23 Calendar Number 884, Senator Skelos moves to  
24 discharge, from the Committee on Rules, Assembly  
25 Bill Number 6737 and substitute it for the

1 identical Senate Bill Number 4700, Calendar  
2 Number 884.

3 ACTING PRESIDENT VALESKY:  
4 Substitution ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 884, by Member of the Assembly Oaks, Assembly  
8 Print Number 6737, an act to amend the Tax Law.

9 ACTING PRESIDENT VALESKY: Read the  
10 last section.

11 THE SECRETARY: Section 2. This  
12 act shall take effect immediately.

13 ACTING PRESIDENT VALESKY: Call the  
14 roll.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 62. Nays,  
17 1. Senator Ball recorded in the negative.

18 ACTING PRESIDENT VALESKY: The bill  
19 is passed.

20 THE SECRETARY: In relation to  
21 Calendar Number 885, Senator Skelos moves to  
22 discharge, from the Committee on Rules, Assembly  
23 Bill Number 6587 and substitute it for the  
24 identical Senate Bill Number 4701, Third Reading  
25 Calendar 885.



1                   ACTING PRESIDENT VALESKY:

2       Substitution ordered.

3                   The Secretary will read.

4                   THE SECRETARY:    Calendar Number

5       885, by Assemblymember Kolb, Assembly Print

6       Number 6587, an act to amend the Tax Law.

7                   ACTING PRESIDENT VALESKY:    Read the  
8       last section.

9                   THE SECRETARY:    Section 2.   This  
10      act shall take effect immediately.

11                  ACTING PRESIDENT VALESKY:    Call the  
12      roll.

13                  (The Secretary called the roll.)

14                  THE SECRETARY:    Ayes, 62.   Nays,  
15      1.   Senator Ball recorded in the negative.

16                  ACTING PRESIDENT VALESKY:    The bill  
17      is passed.

18                  THE SECRETARY:    In relation to  
19      Calendar Number 886, Senator Skelos moves to  
20      discharge, from the Committee on Rules, Assembly  
21      Bill Number 6754A and substitute it for the  
22      identical Senate Bill Number 4702, Third Reading  
23      Calendar 886.

24                  ACTING PRESIDENT VALESKY:

25      Substitution ordered.

1                   The Secretary will read.

2                   THE SECRETARY:    Calendar Number  
3   886, by Member of the Assembly Gantt, Assembly  
4   Print Number 6754A, an act to amend the Tax Law.

5                   ACTING PRESIDENT VALESKY:   Read the  
6   last section.

7                   THE SECRETARY:    Section 2.   This  
8   act shall take effect immediately.

9                   ACTING PRESIDENT VALESKY:   Call the  
10   roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:    Ayes, 62.   Nays,  
13   1.   Senator Ball recorded in the negative.

14                   ACTING PRESIDENT VALESKY:   The bill  
15   is passed.

16                   THE SECRETARY:    In relation to  
17   Calendar Number 887, Senator Skelos moves to  
18   discharge, from the Committee on Rules, Assembly  
19   Bill Number 6733 and substitute it for the  
20   identical Senate Bill Number 4703, Third Reading  
21   Calendar 887.

22                   ACTING PRESIDENT VALESKY:  
23   Substitution ordered.

24                   The Secretary will read.

25                   THE SECRETARY:    Calendar Number

1 887, by Member of the Assembly Hawley, Assembly  
2 Print Number 6733, an act to amend the Tax Law.

3 ACTING PRESIDENT VALESKY: Read the  
4 last section.

5 THE SECRETARY: Section 2. This  
6 act shall take effect immediately.

7 ACTING PRESIDENT VALESKY: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62. Nays,  
11 1. Senator Ball recorded in the negative.

12 ACTING PRESIDENT VALESKY: The bill  
13 is passed.

14 THE SECRETARY: In relation to  
15 Calendar Number 888, Senator Skelos moves to  
16 discharge, from the Committee on Rules, Assembly  
17 Bill Number 7040 and substitute it for the  
18 identical Senate Bill Number 4704, Third Reading  
19 Calendar 888.

20 ACTING PRESIDENT VALESKY:  
21 Substitution ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number  
24 888, by Member of the Assembly Corwin, Assembly  
25 Print Number 7040, an act to amend the Tax Law.

1                   ACTING PRESIDENT VALESKY:    Read the  
2   last section.

3                   THE SECRETARY:    Section 2.   This  
4   act shall take effect immediately.

5                   ACTING PRESIDENT VALESKY:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.   Nays,  
9   1.   Senator Ball recorded in the negative.

10                  ACTING PRESIDENT VALESKY:    The bill  
11   is passed.

12                  THE SECRETARY:    In relation to  
13   Calendar Number 889, Senator Bonacic moves to  
14   discharge, from the Committee on Investigations  
15   and Government Operations, Assembly Bill Number  
16   5831 and substitute it for the identical Senate  
17   Bill Number 4823, Third Reading Calendar 889.

18                  ACTING PRESIDENT VALESKY:  
19   Substitution ordered.

20                  The Secretary will read.

21                  THE SECRETARY:    Calendar Number  
22   889, by Member of the Assembly Crouch, Assembly  
23   Print Number 5831, an act to amend the Tax Law.

24                  ACTING PRESIDENT VALESKY:    Read the  
25   last section.

1                   THE SECRETARY:    Section 2.   This  
2   act shall take effect immediately.

3                   ACTING PRESIDENT VALESKY:    Call the  
4   roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    Ayes, 62.   Nays,  
7   1.   Senator Ball recorded in the negative.

8                   ACTING PRESIDENT VALESKY:    The bill  
9   is passed.

10                  THE SECRETARY:    In relation to  
11   Calendar Number 890, Senator Gallivan moves to  
12   discharge, from the Committee on Rules, Assembly  
13   Bill Number 7135 and substitute it for the  
14   identical Senate Bill Number 4837, Third Reading  
15   Calendar 890.

16                  ACTING PRESIDENT VALESKY:  
17   Substitution ordered.

18                  The Secretary will read.

19                  THE SECRETARY:    Calendar Number  
20   890, by Member of the Assembly DiPietro, Assembly  
21   Print Number 7135, an act to amend the Tax Law.

22                  ACTING PRESIDENT VALESKY:    Read the  
23   last section.

24                  THE SECRETARY:    Section 2.   This  
25   act shall take effect immediately.

1                   ACTING PRESIDENT VALESKY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 62.  Nays,  
5   1.  Senator Ball recorded in the negative.

6                   ACTING PRESIDENT VALESKY:    The bill  
7   is passed.

8                   THE SECRETARY:    In relation to  
9   Calendar Number 891, Senator Young moves to  
10   discharge, from the Committee on Rules, Assembly  
11   Bill Number 7165 and substitute it for the  
12   identical Senate Bill Number 4849, Third Reading  
13   Calendar 891.

14                  ACTING PRESIDENT VALESKY:  
15   Substitution ordered.

16                  The Secretary will read.

17                  THE SECRETARY:    Calendar Number  
18   891, by Member of the Assembly Goodell, Assembly  
19   Print Number 7165, an act to amend the Tax Law.

20                  ACTING PRESIDENT VALESKY:    Read the  
21   last section.

22                  THE SECRETARY:    Section 2.  This  
23   act shall take effect immediately.

24                  ACTING PRESIDENT VALESKY:    Call the  
25   roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62. Nays,

3 1. Senator Ball recorded in the negative.

4 ACTING PRESIDENT VALESKY: The bill  
5 is passed.

6 THE SECRETARY: In relation to  
7 Calendar Number 892, Senator Seward moves to  
8 discharge, from the Committee on Rules, Assembly  
9 Bill Number 7186 and substitute it for the  
10 identical Senate Bill Number 4918, Third Reading  
11 Calendar 892.

12 ACTING PRESIDENT VALESKY:  
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 892, by Member of the Assembly Lifton, Assembly  
17 Print Number 7186, an act to amend the Tax Law.

18 ACTING PRESIDENT VALESKY: Read the  
19 last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT VALESKY: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62. Nays,

1 1. Senator Ball recorded in the negative.

2 ACTING PRESIDENT VALESKY: The bill  
3 is passed.

4 THE SECRETARY: In relation to  
5 Calendar Number 893, Senator Griffio moves to  
6 discharge, from the Committee on Rules, Assembly  
7 Bill Number 7265 and substitute it for the  
8 identical Senate Bill Number 4982, Third Reading  
9 Calendar 893.

10 ACTING PRESIDENT VALESKY:  
11 Substitution ordered.

12 The Secretary will read.

13 THE SECRETARY: Calendar Number  
14 893, by Member of the Assembly Brindisi, Assembly  
15 Print Number 7265, an act to amend the Tax Law.

16 ACTING PRESIDENT VALESKY: Read the  
17 last section.

18 THE SECRETARY: Section 2. This  
19 act shall take effect immediately.

20 ACTING PRESIDENT VALESKY: Call the  
21 roll.

22 (The Secretary called the roll.)

23 THE SECRETARY: Ayes, 62. Nays,

24 1. Senator Ball recorded in the negative.

25 ACTING PRESIDENT VALESKY: The bill



1 is passed.

2 THE SECRETARY: In relation to  
3 Calendar Number 894, Senator Skelos moves to  
4 discharge, from the Committee on Rules, Assembly  
5 Bill Number 7180 and substitute it for the  
6 identical Senate Bill Number 5003, Third Reading  
7 Calendar 894.

8 ACTING PRESIDENT VALESKY:  
9 Substitution ordered.

10 The Secretary will read.

11 THE SECRETARY: Calendar Number  
12 894, by Member of the Assembly Sweeney, Assembly  
13 Print Number 7180, an act to amend the Tax Law.

14 ACTING PRESIDENT VALESKY: Read the  
15 last section.

16 THE SECRETARY: Section 2. This  
17 act shall take effect immediately.

18 ACTING PRESIDENT VALESKY: Call the  
19 roll.

20 (The Secretary called the roll.)

21 THE SECRETARY: Ayes, 62. Nays,  
22 1. Senator Ball recorded in the negative.

23 ACTING PRESIDENT VALESKY: The bill  
24 is passed.

25 THE SECRETARY: In relation to

1 Calendar Number 895, Senator Tkaczyk moves to  
2 discharge, from the Committee on Rules, Assembly  
3 Bill Number 5840 and substitute it for the  
4 identical Senate Bill Number 5021, Third Reading  
5 Calendar 895.

6 ACTING PRESIDENT VALESKY:  
7 Substitution ordered.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 895, by Member of the Assembly Lopez, Assembly  
11 Print Number 5840, an act to amend the Tax Law.

12 ACTING PRESIDENT VALESKY: Read the  
13 last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect immediately.

16 ACTING PRESIDENT VALESKY: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 62. Nays,  
20 1. Senator Ball recorded in the negative.

21 ACTING PRESIDENT VALESKY: The bill  
22 is passed.

23 THE SECRETARY: In relation to  
24 Calendar Number 896, Senator Seward moves to  
25 discharge, from the Committee on Rules, Assembly

1 Bill Number 7513 and substitute it for the  
2 identical Senate Bill Number 5047, Third Reading  
3 Calendar 896.

4 ACTING PRESIDENT VALESKY:  
5 Substitution ordered.

6 The Secretary will read.

7 THE SECRETARY: Calendar Number  
8 896, by Member of the Assembly Lifton, Assembly  
9 Print Number 7513, an act to amend Chapter 443 of  
10 the Laws of 2007.

11 ACTING PRESIDENT VALESKY: Read the  
12 last section.

13 THE SECRETARY: Section 2. This  
14 act shall take effect immediately.

15 ACTING PRESIDENT VALESKY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62. Nays,  
19 1. Senator Ball recorded in the negative.

20 ACTING PRESIDENT VALESKY: The bill  
21 is passed.

22 THE SECRETARY: In relation to  
23 Calendar Number 897, Senator Ritchie moves to  
24 discharge, from the Committee on Rules, Assembly  
25 Bill Number 7374 and substitute it for the

1 identical Senate Bill Number 5061, Third Reading  
2 Calendar 897.

3 ACTING PRESIDENT VALESKY:  
4 Substitution ordered.

5 The Secretary will read.

6 THE SECRETARY: Calendar Number  
7 897, by Member of the Assembly Blankenbush,  
8 Assembly Print Number 7374, an act to amend the  
9 Tax Law.

10 ACTING PRESIDENT VALESKY: Read the  
11 last section.

12 THE SECRETARY: Section 2. This  
13 act shall take effect immediately.

14 ACTING PRESIDENT VALESKY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 62. Nays,  
18 1. Senator Ball recorded in the negative.

19 ACTING PRESIDENT VALESKY: The bill  
20 is passed.

21 THE SECRETARY: In relation to  
22 Calendar Number 898, Senator Ritchie moves to  
23 discharge, from the Committee on Rules, Assembly  
24 Bill Number 7042 and substitute it for the  
25 identical Senate Bill Number 5062, Third Reading

1     Calendar 898.

2                   ACTING PRESIDENT VALESKY:

3     Substitution ordered.

4                   The Secretary will read.

5                   THE SECRETARY:     Calendar Number  
6     898, by Member of the Assembly Barclay, Assembly  
7     Print Number 7042, an act to amend the Tax Law.

8                   ACTING PRESIDENT VALESKY:     Read the  
9     last section.

10                  THE SECRETARY:     Section 2.   This  
11     act shall take effect immediately.

12                  ACTING PRESIDENT VALESKY:     Call the  
13     roll.

14                  THE SECRETARY:     Ayes, 62.   Nays,  
15     1.   Senator Ball recorded in the negative.

16                  ACTING PRESIDENT VALESKY:     The bill  
17     is passed.

18                  THE SECRETARY:     In relation to  
19     Calendar Number 899, Senator Ritchie moves to  
20     discharge, from the Committee on Rules, Assembly  
21     Bill Number 7004 and substitute it for the  
22     identical Senate Bill Number 5063, Third Reading  
23     Calendar 899.

24                  ACTING PRESIDENT VALESKY:  
25     Substitution ordered.

1                   The Secretary will read.

2                   THE SECRETARY:    Calendar Number  
3   899, by Member of the Assembly Barclay, Assembly  
4   Print Number 7004, an act to amend the Tax Law.

5                   ACTING PRESIDENT VALESKY:   Read the  
6   last section.

7                   THE SECRETARY:    Section 2.   This  
8   act shall take effect immediately.

9                   ACTING PRESIDENT VALESKY:   Call the  
10   roll.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:    Ayes, 62.   Nays,  
13   1.   Senator Ball recorded in the negative.

14                   ACTING PRESIDENT VALESKY:   The bill  
15   is passed.

16                   THE SECRETARY:    In relation to  
17   Calendar Number 900, Senator Young moves to  
18   discharge, from the Committee on Rules, Assembly  
19   Bill Number 7431 and substitute it for the  
20   identical Senate Bill Number 5088, Third Reading  
21   Calendar 900.

22                   ACTING PRESIDENT VALESKY:  
23   Substitution ordered.

24                   The Secretary will read.

25                   THE SECRETARY:    Calendar Number

1 900, by Member of the Assembly Goodell, Assembly  
2 Print Number 7431, an act to amend the Tax Law.

3 ACTING PRESIDENT VALESKY: Read the  
4 last section.

5 THE SECRETARY: Section 2. This  
6 act shall take effect December 1, 2007.

7 ACTING PRESIDENT VALESKY: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 62. Nays,  
11 1. Senator Ball recorded in the negative.

12 ACTING PRESIDENT VALESKY: The bill  
13 is passed.

14 THE SECRETARY: In relation to  
15 Calendar Number 901, Senator Skelos moves to  
16 discharge, from the Committee on Rules, Assembly  
17 Bill Number 8028 and substitute it for the  
18 identical Senate Bill Number 5146, Third Reading  
19 Calendar 901.

20 ACTING PRESIDENT VALESKY:  
21 Substitution ordered.

22 The Secretary will read.

23 THE SECRETARY: Calendar Number  
24 901, by Member of the Assembly Saladino, Assembly  
25 Print Number 8028, an act to amend the Tax Law.

1                   ACTING PRESIDENT VALESKY:    Read the  
2   last section.

3                   THE SECRETARY:    Section 2.   This  
4   act shall take effect immediately.

5                   ACTING PRESIDENT VALESKY:    Call the  
6   roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.   Nays,  
9   1.   Senator Ball recorded in the negative.

10                  ACTING PRESIDENT VALESKY:    The bill  
11   is passed.

12                  THE SECRETARY:    In relation to  
13   Calendar Number 902, Senator Skelos moves to  
14   discharge, from the Committee on Rules, Assembly  
15   Bill Number 8029 and substitute it for the  
16   identical Senate Bill Number 5147, Third Reading  
17   Calendar 902.

18                  ACTING PRESIDENT VALESKY:  
19   Substitution ordered.

20                  The Secretary will read.

21                  THE SECRETARY:    Calendar Number  
22   902, by Member of the Assembly Saladino, Assembly  
23   Print Number 8029, an act to amend the Tax Law.

24                  ACTING PRESIDENT VALESKY:    Read the  
25   last section.



1                   THE SECRETARY:    Section 2.  This  
2   act shall take effect immediately.

3                   ACTING PRESIDENT VALESKY:    Call the  
4   roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    Ayes, 62.  Nays,  
7   1.  Senator Ball recorded in the negative.

8                   ACTING PRESIDENT VALESKY:    The bill  
9   is passed.

10                  THE SECRETARY:    In relation to  
11   Calendar Number 903, Senator Skelos moves to  
12   discharge, from the Committee on Rules, Assembly  
13   Bill Number 7353 and substitute it for the  
14   identical Senate Bill Number 5151, Third Reading  
15   Calendar 903.

16                  ACTING PRESIDENT VALESKY:  
17   Substitution ordered.

18                  The Secretary will read.

19                  THE SECRETARY:    Calendar Number  
20   903, by Member of the Assembly Galef, Assembly  
21   Print Number 7353, an act to amend the Tax Law.

22                  ACTING PRESIDENT VALESKY:    Read the  
23   last section.

24                  THE SECRETARY:    Section 2.  This  
25   act shall take effect immediately.

1                   ACTING PRESIDENT VALESKY:    Call the  
2   roll.

3                   (The Secretary called the roll.)

4                   THE SECRETARY:    Ayes, 62.  Nays,  
5   1.  Senator Ball recorded in the negative.

6                   ACTING PRESIDENT VALESKY:    The bill  
7   is passed.

8                   THE SECRETARY:    In relation to  
9   Calendar Number 904, Senator Bonacic moves to  
10   discharge, from the Committee on Rules, Assembly  
11   Bill Number 7321 and substitute it for the  
12   identical Senate Bill Number 5204, Third Reading  
13   Calendar 904.

14                  ACTING PRESIDENT VALESKY:  
15   Substitution ordered.

16                  The Secretary will read.

17                  THE SECRETARY:    Calendar Number  
18   904, by Member of the Assembly Gunther, Assembly  
19   Print Number 7321, an act to amend the Tax Law.

20                  ACTING PRESIDENT VALESKY:    Read the  
21   last section.

22                  THE SECRETARY:    Section 2.  This  
23   act shall take effect immediately.

24                  ACTING PRESIDENT VALESKY:    Call the  
25   roll.

1 (The Secretary called the roll.)

2 THE SECRETARY: Ayes, 62. Nays,

3 1. Senator Ball recorded in the negative.

4 ACTING PRESIDENT VALESKY: The bill  
5 is passed.

6 THE SECRETARY: In relation to  
7 Calendar Number 905, Senator Skelos moves to  
8 discharge, from the Committee on Rules, Assembly  
9 Bill Number 7501 and substitute it for the  
10 identical Senate Bill Number 5214, Third Reading  
11 Calendar 905.

12 ACTING PRESIDENT VALESKY:  
13 Substitution ordered.

14 The Secretary will read.

15 THE SECRETARY: Calendar Number  
16 905, by Member of the Assembly Pretlow, Assembly  
17 Print Number 7501, an act to amend Chapter 272 of  
18 the Laws of 1991.

19 ACTING PRESIDENT VALESKY: Read the  
20 last section.

21 THE SECRETARY: Section 2. This  
22 act shall take effect immediately.

23 ACTING PRESIDENT VALESKY: Call the  
24 roll.

25 (The Secretary called the roll.)

1 THE SECRETARY: Ayes, 62. Nays,  
2 1. Senator Ball recorded in the negative.

3 ACTING PRESIDENT VALESKY: The bill  
4 is passed.

5 THE SECRETARY: In relation to  
6 Calendar Number 906, Senator Tkaczyk moves to  
7 discharge, from the Committee on Rules, Assembly  
8 Bill Number 7658 and substitute it for the  
9 identical Senate Bill Number 5492, Third Reading  
10 Calendar 906.

11 ACTING PRESIDENT VALESKY:  
12 Substitution ordered.

13 The Secretary will read.

14 THE SECRETARY: Calendar Number  
15 906, by Member of the Assembly Santabarbara,  
16 Assembly Print Number 7658, an act to amend the  
17 Tax Law.

18 ACTING PRESIDENT VALESKY: Read the  
19 last section.

20 THE SECRETARY: Section 2. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT VALESKY: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 62. Nays,

1 1. Senator Ball recorded in the negative.

2 ACTING PRESIDENT VALESKY: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 927, by Senator Young, Senate Print 5247, an act  
6 to amend Local Law Number 58.

7 ACTING PRESIDENT VALESKY: Read the  
8 last section.

9 THE SECRETARY: Section 2. This  
10 act shall take effect immediately.

11 ACTING PRESIDENT VALESKY: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62. Nays,

15 1. Senator Ball recorded in the negative.

16 ACTING PRESIDENT VALESKY: The bill  
17 is passed.

18 Senator Libous, that completes  
19 action on the active list.

20 SENATOR LIBOUS: Mr. President,  
21 what do you think, one more Rules report?

22 (Laughter.)

23 SENATOR LIBOUS: Mr. President, if  
24 we can go back to messages from the Assembly, I  
25 believe we have a hand-up.

1                   ACTING PRESIDENT VALESKY:    We do  
2   have a message from the Assembly.

3                   The Secretary will read.

4                   THE SECRETARY:    The Assembly sent  
5   for concurrence the following bill.  On motion by  
6   Senator Skelos and Senator Klein, said bill  
7   ordered direct to third reading:  Assembly Bill  
8   Number 6703A.

9                   ACTING PRESIDENT VALESKY:    The bill  
10   is ordered direct to third reading.

11                   The Secretary will read.

12                   THE SECRETARY:    Calendar Number  
13   1666, by Member of the Assembly Pretlow, Assembly  
14   Print Number 6703A, an act to amend the Education  
15   Law.

16                   ACTING PRESIDENT VALESKY:    Read the  
17   last section.

18                   THE SECRETARY:    Section 2.  This  
19   act shall take effect January 1, 2015.

20                   ACTING PRESIDENT VALESKY:    Call the  
21   roll.

22                   (The Secretary called the roll.)

23                   THE SECRETARY:    Ayes, 63.

24                   ACTING PRESIDENT VALESKY:    The bill  
25   is passed.

1                   SENATOR LIBOUS:     Mr. President.

2                   ACTING PRESIDENT VALESKY:     Senator  
3     Libous.

4                   SENATOR LIBOUS:     There are four  
5     Assembly bills at the desk. I move to reconsider  
6     the substitutions and have the Senate bills  
7     restored to the Third Reading Calendar.

8                   ACTING PRESIDENT VALESKY:     The  
9     Secretary will read.

10                  THE SECRETARY:     Assembly Bill  
11     Numbers 2387, 5788, 7736, and 8097.

12                  ACTING PRESIDENT VALESKY:     So  
13     ordered, Senator Libous.

14                  SENATOR LIBOUS:     Mr. President, I  
15     now move to recommit the calendar.

16                  ACTING PRESIDENT VALESKY:     The  
17     calendar is recommitted.

18                  SENATOR SKELOS:     Mr. President.

19                  ACTING PRESIDENT VALESKY:     Senator  
20     Skelos.

21                  SENATOR SKELOS:     I know this is the  
22     part of the end of session that everybody waits  
23     for with bated breath --

24                         (Laughter.)

25                  SENATOR SKELOS:     -- to hear Senator

1     Stewart-Cousins and Co-Leader Jeff Klein and  
2     myself close the session with these wonderful  
3     remarks.

4                 So the best remark, on behalf of all  
5     of us, that I could give right now: Thank you to  
6     all the staff for the great job that you've done.

7                 (Applause.)

8                 SENATOR SKELOS: Thank you, all the  
9     members, for being patient with each other.

10                And, Tommy, I want to thank you for  
11    the great job that you have done under the  
12    challenging circumstances you have right now.

13                (Applause.)

14                SENATOR SKELOS: Have a great  
15    summer.

16                (Applause.)

17                ACTING PRESIDENT VALESKY: Senator  
18    Libous.

19                SENATOR LIBOUS: Mr. President, I  
20    move that we adjourn at the call of the Temporary  
21    President, intervening days being legislative  
22    days.

23                Senate stands adjourned.

24                ACTING PRESIDENT VALESKY: There  
25    being no further business at the desk, on motion,



1 the Senate stands adjourned at the call of the  
2 Temporary President, intervening days being  
3 legislative days.

4 (Whereupon, the Senate adjourned at  
5 6:46 a.m.)

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